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**Troy School District**

**General Information about Section 504 and**

**Student and Parent Rights**

Section 504 of the Rehabilitation Act of 1973 is a federal statute that prohibits discrimination based upon a disability. Section 504 covers eligible students with disabilities. A team knowledgeable about the student determines if that student meets eligibility criteria.

Congress’s directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states: *“No otherwise qualified individual with a disability shall solely by reason of her or his 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.”*

Therefore, it is the responsibility of regular education staff and administration, with support from special education administration to implement those practices and procedures necessary for a school to fulfill this law’s requirements. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At each school, the responsibility for insuring Section 504 compliance rests with the building principal or principal’s designee. Please note that when working with disabled students, Section 504 serves the same purpose as ADA (Americans with Disabilities Act).

**Identifying Students for Section 504 Eligibility**

Like other students, those students with a 504-eligible disability are entitled to a free appropriate public education.

* An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student.
* Section 504 focuses on assuring access to educational services and the learning process that is equal to that given students who do not have disabilities.
* Section 504 provides equal opportunity; it does not guarantee student success.

# What criteria are used to determine 504 eligibility?

***A person may be considered disabled under the definition of Section 504 if the individual:***

1. Has a mental or physical impairment (or has a record of an impairment, or is regarded as having an impairment) which substantially limits one or more of such person’s major life activities.

“Major life activities” include, but are not limited to, functions such as:

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| * caring for one's self
 | * bending
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| * performing manual tasks
 | * speaking
 |
| * seeing
 | * breathing
 |
| * hearing
 | * learning
 |
| * eating
 | * reading
 |
| * sleeping
 | * concentrating
 |
| * walking
 | * thinking
 |
| * standing
 | * communicating
 |
| * lifting
 | * working
 |

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

1. **Having a record of having an impairment, or being regarded as having an impairment** only become a factor if the individual has been subjected to discrimination because of an actual or perceived physical or mental impairment or a record of such an impairment.
* In other words, “has a record of” and “is regarded as having” a disability under Section 504 protects individuals, not necessarily because they have a qualifying disability, but from being injured by the prejudice or stereotypic attitudes of others.
* Schools have no obligation to provide them with a Section 504 plan. However, schools are prohibited from discriminating against these students in all programs and activities.

Except for ordinary eye glasses or contact lenses, the ameliorative effects of mitigating measures may not be considered when assessing whether a student has an impairment that substantially limits a major life activity.

* “Mitigating measures” include, but are not limited to: medication; medical supplies, equipment or appliances; low-vision devices (devices that magnify, enhance, or otherwise augment a visual image); prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

A medical diagnosis of a physical or mental impairment does not, in and of itself, determine Section 504 eligibility. A medical diagnosis is one source of information, and Section 504 requires the District to consider a variety of sources in making its eligibility determination.

***If you suspect that your son/daughter may have a disability that may need support under a 504, please contact your child’s building principal or, for secondary students, guidance counselor.***

**Student and Parent Rights**

The following is a brief description of the rights provided by Section 504 of the Rehabilitation Act of 1973 to students with disabilities. The intent of the law is to keep you fully informed about decisions concerning your child and to inform you of your rights in the event you disagree with any decisions concerning your child. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination based on a disability.
2. Have the school advise you as to your rights under federal law.
3. Receive written notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate within the least restrictive environment. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
6. Have an evaluation and placement decision for your child based upon information from a variety of sources and which is made by a team of persons knowledgeable about the student, the meaning of evaluation data, and placement options, and have a periodic re-evaluation of your child, including an evaluation before any significant change of placement.
7. Have transportation provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the school.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement, and obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
10. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.
11. Receive information in your native language and primary mode of communication.
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.

File a grievance if you believe your child has been discriminated against on the basis of your child’s disability or if you believe the District otherwise violated Section 504 by submitting the grievance in writing to your Section 504 Coordinator/Designee.

Request an impartial due process hearing regarding the identification, evaluation, or placement of your child by submitting a request in writing to your Section 504 Coordinator/Designee. You and your child may take part in the hearing and have an attorney represent you. The School District’s Section 504 Coordinator/Designee is:

Jessica Carrier

4420 Livernois, Troy, MI 48098

248-823-5096

File a formal complaint with the Office for Civi1 Rights in Cleveland, Ohio. The office is part of the U.S. Department of Education. The regional office is located at the following address: United States Department of Education, Office for Civil Rights, 600 Superior Ave East, Suite 750, Cleveland, Ohio 44114-2611. The phone number is (216) 522-4970 and the TTY number is (877) 521-2172. The e-mail address is OCR.Cleveland@ed.gov.