

SECTION 504

Notice of Procedural Information
and Rights for Parents of
Students with Disabilities

*River Valley Local
School District*

What is Section 504?

Section 504 refers to a part of the Rehabilitation Act of 1973. The primary purpose of the Rehabilitation Act of 1973 is to ensure that persons with disabilities are not discriminated against.

Section 504 states,

“No otherwise qualified individual with a disability in the United States...shall, solely by reason of his or her disability, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

This law requires that every public school in the United States identify, evaluate, and provide appropriate services to disabled individuals as defined by Section 504. In addition, procedural safeguards must be provided to the parents/guardians of identifies students. The Office of Civil Rights and/or U.S. Department of Education is responsible for enforcing Section 504.

Who Is Eligible?

A student with a disability should be considered for eligibility under Section 504 if he/she:

- Has a physical or mental impairment which ***substantially limits*** one or more ***major life activities***
- Has a record of such an impairment; or
- Is regarded as having such an impairment

Major Life Activities

Major Life Activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, concentrating, reading, communicating, bending and major bodily functions (immune, digestive, respiratory, circulatory, endocrine, neurological, brain and reproductive systems, bowel and bladder functions, and normal cell growth).

Substantial Limitation

Substantial Limitation is the inability to perform a major life activity that the average person in the general population can perform without the use of mitigating measures, and includes impairments that are episodic or in remission.

A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. School teams and parents who feel a student may meet the criteria for Section 504 eligibility may request that the student be brought up for review at a team meeting.

How is a Child Identified and Evaluated?

The student is referred to the 504 Team (members of the team vary based on need), who will review the information and determine eligibility under Section 504. A parent or staff member may refer a student.

Written documentation must be provided of the disability (e.g., medical psychological, agency reports).

Eligibility is determined by:

1. Input references from written documentation from medical, psychological, or outside agency reports;

Or

2. Evaluation in which appropriate information is gathered (such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, nursing assessment, occupational or physical therapist assessment, doctor's orders, emergency care plans, and adaptive behavior assessment);

And

3. Determination that the disability substantially limits a major life skill.

What is a 504 Plan?

Students who meet the eligibility guidelines for Section 504 will have a 504 Plan developed for use in the general education classroom. The plan specifies the nature of the impairment, the major life activity affected by the impairment, and the accommodations necessary to provide access based on the student's needs. The plan also includes individual staff members responsible for implementing the accommodations.

Accommodations should be specific to the individual with regards to his/her impairment and its effect on the major life activity. 504 Plans should not include accommodations typically provided to general education students.

The team will review the 504 Plan on a periodic basis to ensure its effectiveness. A parent may request at any time that a plan be reviewed and/or revised as needed.

If a parent or the school team suspects that the student is in need of special education and related services, the team will schedule a meeting to discuss this.

What is the difference between a 504 Plan and an IEP?

A 504 plan is different from an individualized education plan (IEP). The main difference is that a 504 plan modifies a student's regular education program in a regular classroom setting. A 504 plan is monitored by classroom teachers. A student with an IEP, as part of the Individuals with Disabilities Education Act (IDEA 2004), usually receives different educational services in a special educational setting. IEP programs are delivered and monitored by additional school support staff.

504 Plan Accommodations

Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

Accommodations that may be used, but are not limited to, include:

- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral tests
- Individual contracts

What if I Disagree with the School's Decision?

If the parent/guardian disagrees with school decisions, he/she has the right to an appeal hearing. Appeal requests are made in writing to the District Superintendent.

Summary of Legal Rights for Parents

You have the right to:

- 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;
- C. Receive written notice of any decision regarding the identification, evaluation, or educational placement of your child;
- D. Have your child receive a free appropriate public education (FAPE);
- E. Have your child educated in facilities and receive services comparable to those provided students without disabilities;
- F. Have evaluation and educational placement decisions made based upon a variety of information sources, and by persons who know your child and are knowledgeable about the evaluation data and placement options;
- G. Have your child transported in a non-discriminatory manner;

If the District refers a student for aids, benefits or services outside the District, adequate transportation will be provided at no greater cost to you than if the aids, benefits, or services were provided within the District.

- H. 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;

- I. Have your child be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the District;
- J. 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;
- K. Obtain, at your own expense, an independent education evaluation of your child;

- L. Obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records;
- M. A response from the School District to reasonable requests for explanations and interpretations of your child's education records;
- N. Periodic re-evaluation and an evaluation before any significant change in program/service modifications;
- O. 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;
- P. Receive all information in your native language and mode of communication;
- Q. File an internal complaint;
- R. File a complaint with the U.S. Department of Education's Office for Civil Rights;
- S. Be represented at any point in the process by an attorney;
- T. Recover reasonable attorney fees as authorized by law (i.e. if you are successful on your due process claim);
- U. Be notified of your Section 504 rights:
 - a. When evaluations are conducted,
 - b. When consent for an evaluation is withheld,
 - c. When eligibility is determined,
 - d. When a Section 504 Plan is developed, and
 - e. Before there is significant change in the 504 Plan.

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 Superintendent. The District Superintendent can be reached at the following address and phone number:

197 Brocklesby Road
Caledonia, OH 43014
740-725-5400

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio office is:

Office for Civil Rights, Cleveland Office
U.S. Department of Education
600 Superior Avenue East, Suite 750
Cleveland, OH 44144-2611
Telephone: 216-522-4970
Fax: 216-522-2573
TDD: 216-522-4944