

Mt. Pleasant Elementary School District

NOTICE OF PARENT / STUDENT RIGHTS UNDER SECTION 504

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute. The purpose of the Act is to prohibit discrimination and to assure that disabled students are provided with a free, appropriate public education as adequate as that provided to their non-disabled peers and have educational opportunities and benefits equal to those provided to nondisabled students. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

The enabling regulations for Section 504, as set out in 34 CFR Part 104, provide parents and students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice is to advise you of those rights.) (34 CFR 104.32.)
2. Your child has the right to an appropriate education, including regular or special education and related aids and services, that is designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR 104.33.)
3. Your child has the right to free appropriate public education 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 disabled student. (34 CFR 104.33.)
4. Your child has a right to placement in the least restrictive environment. (34 CFR 104.34.)
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR 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 CFR 104.35.) . If a medical evaluation is required to identify qualifying disabilities the evaluation must be provided at no cost to the parent, if the parent wishes.
7. Testing and other evaluation procedures must conform to the requirements (34 CFR 104.35) as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, such as 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 CFR 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 CFR 104.35.)
9. If eligible under Section 504, your child has a right to periodic reevaluations. (34 CFR 104.36.)
10. You have the right to examine relevant records. (34 CFR 104.36.)
11. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36.)
12. File a local grievance with the district's Section 504 Compliance Officer:
Laurie Clarke Breton, Director Student Support Services
3434 Marten Avenue
San Jose, CA 95148
408 223-3740 Lclarque@mpesd.org
13. You have a right to an impartial due process hearing related to decisions or actions regarding your child's identification, assessment, educational program or services. You and your child may take part in the hearing and have an attorney represent you. Hearing requests must be made to the district's Section 504 Compliance Officer. (34 CFR 104.36.)
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 CFR 104.36.)
15. You have the right to file a complaint with the Office for Civil Rights.