



Notice of Rights & Procedural Safeguards for Disabled Students and their Parents Under Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, 504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under 504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities. Section 504 also protects students with a record of an impairment, or who are regarded as having an impairment from discrimination on the basis of disability. Students can be considered disabled, and can receive services under 504, including regular or special education and related aids and services, even if they do not qualify for, or receive, special education services under the IDEA.

In order to fulfill its obligations under Section 504, the Harrison School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The following is a description of student and parent rights granted by federal law. 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. 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 district 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 district 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 your child receive accommodations under Section 504 of the Rehabilitation Act of 1973.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know your child, the evaluation data, and placement options.
8. 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 district.
9. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school district.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records.
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records.
13. 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 district refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. If you wish to contest an action taken by the 504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's 504 Coordinator at the address below. Failure to make a timely request will result in the loss of your opportunity to pursue a due process hearing on that action or omission.

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

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15. If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by making a written request to the District's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.
16. You also have a right to present a grievance or complaint through the District's local grievance process. The District will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time. Parents may contact the District's Section 504 Coordinator for more information about the District's grievance process.
17. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education.

The address of the OCR Regional Office that covers this school district is:

Office for Civil Rights, Region VI
Denver Office
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

Evaluation Procedures

If the school suspects a student has a disability, then parental notice is given, and an individual evaluation is conducted. The following are some considerations for meeting Section 504 evaluation requirements:

1. If the presence of a disability is unknown to members of the school team, documentation of the disability from a physician or other professional as part of the evaluation process may be required. Such documentation may be required prior to determining eligibility under Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the School's Section 504 team, in conjunction with the parent, to determine the impact of a disability or impairment on the educational setting and whether a student is eligible for a Section 504 plan.
2. The school could use special education evaluation staff or other evaluators as assigned. Determination of who will conduct the evaluation should be made by the school administrator. The evaluation team must be knowledgeable about the student and the suspected disability and be familiar with the evaluation data and placement options.
3. The parents need to be notified before the evaluation is conducted. Consent is not required but is considered best practice.
4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer. Each evaluation should be tailored to the specific needs of the student. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
5. The school will consider current performance information including grades, performance on standardized tests, or other assessments administered to the student within the past year.
6. In interpreting evaluation data and in making eligibility or accommodation decisions, a school should draw upon information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, observation data, physical condition, social or cultural background, and adaptive behavior.
7. Unless the disabling condition is short term, a reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities in Education Act is one means of meeting this requirement.