

## **NOTICE OF SECTION 504/ADA PROCEDURAL INFORMATION AND RIGHTS**

Form 504-6

### WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008 (hereinafter "Section 504") is Congress' directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It States: "No otherwise qualified individual with a disability shall solely by reason of his/her 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." Since the Greater Jasper Consolidated Schools is a recipient of Federal dollars, its administrators and staff are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute and not a special education statute.

### HOW CAN I REFER MY CHILD TO DETERMINE 504 ELIGIBILITY?

If you suspect that your child is "disabled" under Section 504/ADA, contact your child's teacher, school counselor, or building principal. You will be asked to complete a referral form and grant consent for 504 evaluation. After the evaluation is complete, a meeting will be scheduled to determine if your child has a "disability". You have the right to meaningfully participate in the process and provide input, even if you cannot attend the meeting in person.

### WHAT CRITERIA ARE USED TO DETERMINE 504 ELIGIBILITY?

A student qualifies for Section 504 protection if s/he is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability.

Major life activities include, but are not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, operation of a major bodily function, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

### WHAT IS THE DIFFERENCE BETWEEN SECTION 504 AND IDEA?

Section 504 prohibits discrimination against students with disabilities and requires school corporations to provide students with disabilities regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 Plan.

IDEA requires corporations to provide disabled students (ages 3-21) with special education and related services and supplementary aids and services designed to meet their unique needs and prepare them for

further education, employment, and independent living. The special education and related services must be delineated in an Individualized Education Program (IEP).

#### :PROCEDURAL INFORMATION AND RIGHTS

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of the Corporation, pursuant to Section 504, to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of those decisions.

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 Corporation 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
  - a. If the corporation refers a student for aids, benefits or services outside the Corporation, adequate transportation will be provided at no greater cost to you than if the aids, benefits or services were provided within the corporation;
- H. Place your child in a private school or alternative educational program;
- I. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the Corporation;
- J. Examine all relevant 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 educational evaluation of your child;
- L. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- M. A response from the School Corporation to reasonable requests for explanations and interpretations of your child's educational records;
- N. Periodic re-evaluations and evaluation before any significant change in program/service modifications;
- O. Request amendment for your child's education records if there is a reasonable cause to believe that information contained in the record(s) is inaccurate, misleading, or otherwise in violation of privacy rights of your child;
- P. 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
- Q. Receive all information in your native language and mode of communication;
- R. File an internal complaint;
- S. File a complaint with the US Department of Education's Office for Civil Rights;
- T. Be represented at any point in the process by an attorney;

- U. Recover reasonable attorney fees as authorized by law (i.e. if you are successful on your due process claim);
- V. Be notified of your Section 504 rights 1) when evaluations are conducted, 2) when consent for an evaluation is withheld, 3) when eligibility is determined, 4) when a Section 504 plan is developed, and 5) before there is a significant change in the 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 request for a hearing, and offer possible solutions to the dispute. Complaints must be filed with the Corporation Section 504/ADA Compliance Officer. The School Board has designated the Corporation Curriculum Director as the Corporation Section 504/ADA Compliance Officer. The Corporation Compliance Officer can be reached at the following address/phone number:

1520 St. Charles Street  
Jasper, IN 47546  
(812) 482-1801

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

Chicago Office  
Office for Civil Rights  
US Department of Education  
Citigroup Center  
500 West Madison Street, Suite 1475  
Chicago, IL 60661  
Telephone: (312) 730-1560  
Fax: (312) 730-1576  
TTD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)