Notice of Rights for Disabled Students and their Parents Under 504 Rehabilitation Act of 1973

The rehabilitation Act of 1973, commonly known in 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 of 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 of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing a manual task. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are not truly disabled. Students can be considered disabled and can receive services under 504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted to them under 504. The federal regulations that implement 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible students and their parents to the following rights;

1. You have the right to be informed about your rights under 504 (34 CFR 104.32) The school district must provide you with written notice of your rights under 504 (This document represents written notice of rights as required under 504). If you need further explanation or clarification of any of the rights described in this Notice, contact the appropriate persons at the District's Office and they will assist you in understanding your rights. The point of contact for the Fairport Harbor Schools is:

Jennifer Polak
Fairport Harbor Schools
Director of Special Education Services
602 Plum Street
Fairport Harbor, Oh 44077

2. Under 504 your child has the right to an appropriate education designed to meet his/her 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 educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under 504. (34 CFR 104.34)

4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. (34 CFR 104.34)

5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. (34 CFR 104.34)

6. The School District must undertake the evaluation of your child prior to determining his/her appropriate educational placement or program of services under 504, and also before every subsequent significant change in placement. (34 CFR 104.35)

7. If formal assessments instruments are used are part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of 504 regarding test validity, proper method of administration and appropriate test selection. (34 CFR 104.35) The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural

background, adaptive behavior, health records, report cards, progress notes, and parent observations. (34 CFR 104.35)

8. Placement decisions regarding your child must be made by a group of persons (a 504 committee) knowledgeable about your child, the meaning of evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children be educated with non-disabled children. (34 CFR 104.35)

9. If your child is eligible for services under 504, he/she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place every 3 years. (34 CFR 104.35)

10. You have the right to be notified by the district prior to any action regarding the identification, evaluation or placement of your child. (34 CFR 104.36)

11. You have the right to examine relevant documents and records regarding your child. (34 CFR 104.36)

12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under 504. (34 CFR 104.36) You have the right to participate personally at the hearing and to be represented by an attorney, if you wish to hire one.

13. 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:

Jennifer Polak
Fairport Harbor Schools
Director of Special Education Services
602 Plum Street
Fairport Harbor, Oh 44077

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.

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court)

15. You also have a right to present a grievance or complaint to the District's 504 coordinator (or designee) who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you in a reasonable amount of time.

16. You have a right to file a complaint with the Office for Civil rights (OCR) of the Department of Education.