

Mt. Diablo Unified School District
James Dent Education Center
Student Services Office

Section 504
The Rehabilitation Act of 1973

Notice of Parent/Guardian and Student Rights

The Rehabilitation Act of 1973, commonly referred to as "Section 504" is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who a) has, b) has a record of having, or c) is regarded as having, a physical or mental impairment that substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, reading, thinking, concentrating and performing manual tasks.

It is the purpose of this notice to set out the rights assured by Section 504. If parents have questions regarding parents' rights under Section 504, they should contact the Director of Student Services.

The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or eligible 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 form is to advise you of those rights.) (34 CFR 104.32.)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students. (34 CFR 104.33.)
3. Your child has the right to free educational services 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.)
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including 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 (i.e. the Section 504 Committee), 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, generally every three years. (34 CFR 104.35.)
10. You have the right to a notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36.)
11. You have the right to examine relevant records. (34 CFR 104.36.)
12. If you wish to challenge the actions of the District's Section 504 team in regard to your child's identification, evaluation, or educational placement, you may file a written Notice of Appeal with the District's Section 504 Coordinator, Director of Student Services, Mt. Diablo Unified School District, 1936 Carlotta Drive, Concord, CA 94519, within 30 calendar days from the time you received written notice of the Section 504 team's action(s).
13. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36.)
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR 104.36.)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the District's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office that covers California is:

United States Department of Education
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105
(415) 486-5555 TDD (871) 521-2172
www.ed.gov