



Fabens Independent School District

507 NE G Ave,
Fabens, TX 79838 - (915) 765-2600

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504: THE REHABILITATION ACT OF 1973

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 nondisabled 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 which substantially limits a major life activity such as learning, reading, concentrating, thinking, communicating, caring for oneself, walking, standing, bending, lifting, seeing, hearing, eating, sleeping, speaking, breathing, working, performing manual tasks or the operation of a major bodily function. The District must provide appropriate services to identified students. The District may not discriminate against students with disabilities.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An Explanation of Rights and Procedural Safeguards (SPE 216E) prepared by the Texas Education Agency is available through the school district's Special Education Program and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA. Please keep in mind that Section 504 is not a program. It is an anti-discrimination law.

The enabling regulations for Section 504 as set out in 34 Code of Federal Regulations (CFR) Part 104 provide parents and / or 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 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 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 accommodation plan and any subsequent significant change in plan. 34 CFR 104.35
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 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, anecdotal reports, and State Assessment scores. 34 CFR 104.35
8. 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 reevaluation, generally every three years. 34 CFR 104.35
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or accommodation plan of your child. 34 CFR 104.36



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11. You have the right to examine relevant records. 34 CFR 104.36
12. 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, if desired.
13. If you have questions or concerns or wish to file a complaint regarding your child's identification, evaluation, or educational services, you may call the District's Section 504 Coordinator at 210-407-0249.
If you nevertheless, wish to challenge the actions of the District's Section 504 Committee in regard to your child's identification, evaluation, or educational services, you should file a written Notice of Appeal with the District's 504 Coordinator (Jan Greer DeHaven, 8961 Tesoro Drive San Antonio, 210-407-0249) within 30 calendar days from the time you received written notice of the Section 504 Committee's action(s). If you request an appeal hearing, a hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
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. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers Texas is:

Dallas Office
Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 877-521-2172
Email: OCR.Dallas@ed.gov