

## Notice of Section 504/ADA Procedural Information and Rights

### **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 entities receiving any Federal funding (including schools) 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." As the School District 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 a 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 an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, may require accommodations 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 (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including the 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 the IDEA?**

Section 504 prohibits discrimination against students based solely on disability and requires school districts to provide students with disabilities regular education access with reasonable accommodations to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations must be delineated in a Section 504 Plan. IDEA requires districts to provide disabled students (ages 3 through 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 District, 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 District 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);
  - a. This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive 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.
- 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 District refers a student for aids, benefits or services outside the District, adequate transportation will be provided at no greater cost to you than if the aids, benefits, or services were provided within the District.
- H. place your child in a private school or alternative educational program;
  - a. However, if the District makes a FAPE available to your child and nevertheless you choose to place your child elsewhere, the District is not required to pay for your child's education at the private school or alternative educational program, including any costs associated with related transportation.
- I. have your child be given an equal opportunity to participate in a nonacademic and extra-curricular activities offered by the District;
- J. examine all relevant education 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 education records as a reasonable cost unless the fee would effectively deny you access to the records;
- M. a response from the School District to reasonable requests for explanations and interpretations of your child's education records;
- N. periodic re-evaluations and an 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 the privacy rights of your child;

If the School District refuses to amend the record(s), you have the right to request a hearing and/or to attach to the record(s) a statement of why you disagree with the information it contains.

- 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 U.S. 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 complaint or requests for a hearing, and offer possible solutions to the dispute.

Complaints must be filed with the District Section 504/ADA Compliance Officer. The Board of Education has designated the Superintendent and the Special Education Supervisor as the District Section 504/ADA Compliance Officers. The District Compliance Officers can be reached at 4 South Charleston Road, Jamestown, Ohio 45335. Their phone number is 937-675-2728.

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

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
1350 Euclid Avenue, Suite 325 Cleveland, Ohio 44115  
Phone: (216) 522-4970  
Fax: (216) 522-2573  
TDD: (216) 522-4944