

IHBA-R – PROGRAMS FOR PUPILS WITH DISABILITIES –SECTION 504-NOTICE OF PARENT & STUDENT RIGHTS

Category: Priority/Required by Law

Notice of Parent and Student Rights under Section 504 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 ensure that disabled students have educational opportunities and benefits comparable 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, but not limited to learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for education services under both Section 504 and the Individuals With Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. Student Support Services Department Discussion was had regarding the need to include information on page 3 to insert the contact information for Student Support Services Office and update the note to remove reference to policy AC-E since we currently do not have this policy and all the anti discrimination policies are under review.

It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides 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. (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 also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or to pay for services provided to a disabled student. (34 CFR §104.34)

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 prior to any subsequent significant change in placement. (34 CFR §104.34)
7. Testing and other evaluation procedures must conform to 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, such as assessment, aptitude and achievement tests, teacher recommendations, physical condition 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 least-restrictive environment, and comparable facilities. (34 CFR §104.36)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR §104.35) You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR §104.36)
10. You have the right to examine relevant records. (34 CFR §104.36)
11. 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 the opportunity for parental participation in the hearing and representation by an attorney. (34 CFR §104.36)
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's action(s).

Student Support Services Office
192 Forest Road
Lyndeborough NH 03082 603-732-9175

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.

13. 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)
14. 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.
15. You also have the right to file a complaint with the Office of Civil Rights. The address of the Regional Office with jurisdiction in New Hampshire is:

Office for Civil Rights
U.S. Department of Education,
5 Post Office Square
Boston, Massachusetts 02109-3921
Tel: (617) 289-0111
TTY: (877) 521-2172
FAX: (617) 289-0150
OCR.Boston@ed.gov
Web Contact: www.ed.gov

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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NH Statutes

RSA 186-C

RSA 186-C:10-a

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 1100

Federal Regulations

34 CFR 104

34 CFR 300 et seq.

Federal Statutes

20 U.S.C. § 1400-1417

20 U.S.C. §§1400 et seq.

29 U.S.C. 794

Description

[Special Education](#)

[Retention of Individualized Education Programs](#)

Description

[Standards for the Education of Students With Disabilities](#)

Description

[Nondiscrimination on the Basis of Handicap](#)

[Assistance to the States for the Education of Children with Disabilities](#)

Description

[Individuals with Disabilities Education Act \(IDEA\)](#)

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

42 U.S.C. 12101, et seq.

[Title II of The Americans with Disabilities Act of 1990](#)

Cross References

Code	Description
AC	Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan
AC-R(2)	Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information
ACE	Procedural Safeguards: Nondiscrimination on the Basis of Disability
IHBAA	Evaluation Requirements for Children With Specific Learning Disabilities
IHBAB	Special Education Evaluations
IHBAC	Developmental Delay as Qualifying Disability
IHBAM	District Special Education Policy and Procedures Manual
IKFC	Alternative Diploma for Students with Cognitive Disabilities
JICD	Student Discipline and Due Process
JICD-R(1)	Student Discipline and Due Process - Memorandum of Understanding
JICK	Pupil Safety and Violence Prevention
JICK-R(1)	Pupil Safety and Violence Prevention - Report Form
JICK-R(2)	Pupil Safety and Violence Prevention - Bullying Report Form
JICK-R(3)	Pupil Safety and Violence Prevention - School Board Notification of Bullying Report

Legal Reference:

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