

Rights Granted Under Section 504

- ⇒ Have your child receive a free and appropriate public education
- ⇒ Have your child take part in, and receive the benefits from, a public education program without discrimination because of his/her disability
- ⇒ Have the school district advise you of your rights under federal law
- ⇒ Receive notice with respect to identification, evaluation, or placement of your child and be invited to participate in 504 team meetings or otherwise be given a meaningful opportunity to provide input into 504 team decisions.
- ⇒ Have your child receive services and be educated in facilities which and receive services comparable to those provided to non-disabled students
- ⇒ Have the right to have evaluation & educational placement decisions made based on a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options.
- ⇒ Have transportation provided to and from an alternative placement setting where the District refers your child for services outside of the District at no greater cost to you than if the services were provided within the District.
- ⇒ Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- ⇒ Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program & placement and a response from the District to reasonable requests for explanations and interpretations of your child's records.
- ⇒ Request mediation or a due process hearing related to decisions regarding your child's identification, evaluation, educational placement or the provisions of a free appropriate public education for your child.
- ⇒ Periodic reevaluations and before any significant change in your child's placement.
- ⇒ Request amendments to your child's records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child.

For the full explanation of the rights of parents and guardians of students with disabilities as defined under Section 504 refer to Board Policy IGBA-R(2).

For Further Assistance

Building 504 Coordinators

Bexley Elementary Schools

Cassingham

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&

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District

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Board of Education Policy ACB, Nondiscrimination on the Basis of Disability

Section 504

Notice of Procedural Safeguards



Bexley City
School District

"No otherwise qualified individual with a disability...shall, solely by reason of his or 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."

Section 504 of the Rehabilitation Act of 1973

How is a student evaluated under Section 504?

A school team will conduct an evaluation to determine whether the student is disabled under Section 504, and if so, what services, accommodations and/or modifications the student needs to participate in and benefit from the District's educational program. The team will:

- ☑ be knowledgeable about the student;
- ☑ evaluate the nature of the student's disability and the impact of the disability upon the student's education;
- ☑ consider all available relevant information about the student drawn from a variety of sources; and
- ☑ develop a Section 504 plan if the team determines that the student is disabled within the meaning of Section 504.

Examples of classroom accommodations that can be provided in a Section 504 Plan:

- Altering the method used to administer a test.
- Provide preferential seating
- Developing a behavior support plan
- Using additional study aids

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What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a federal law that prohibits disability discrimination in federally-funded programs and activities. Under Section 504, public schools have two primary obligations. The School District must (1) not discriminate against a qualified student with a disability on the basis of the disability; and (2) provide free appropriate education (FAPE) to each qualified student with a disability who is in the District's jurisdiction.

How does Section 504 define disability?

A student is considered to have a disability if the student has a physical or mental impairment that substantially limits one or more major activities, has a record of such an impairment, or is regarded as having such an impairment.

What are physical or mental impairments as used in the Section 504 definition?:

An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that "substantially limits" one or more major life activities. The Section 504 regulations define a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproduction; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as cognitive impairment, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

What are "major life activities"?

Major life activities may include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

What does "substantially limits" mean?

"Substantially limits" is neither defined in Section 504 nor the regulations, but it is intended to afford a broad scope of protection to eligible persons. Determinations of whether an impairment substantially limits a major life activity should be made on an individual case by case basis. In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without the benefit of mitigating measures, which include medication, hearing aids, use of assistive technology and reasonable accommodations or auxiliary aids or services.