

Definition

Section 504 is a federal act which prohibits discrimination against persons with a handicap in any program receiving federal assistance. The Act defines a person with a handicap as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, sleeping, thinking and working);
2. Has a record as having such an impairment; or
3. Is regarded (perceived) as having such an impairment



School Responsibilities

The school has the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

The school has the responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system.

Parent/Student Rights

The following is a description of the rights granted by federal law to students with handicaps:

As a parent, you have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping conditions;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities;
6. Have your child receive related services if she/he is found to be eligible under Section 504 of the Rehabilitation Act and to receive reasonable accommodations;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. If appropriate, have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in non-academic and extracurricular

activities offered by the district through the provision of reasonable accommodations;

10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. Request an impartial due process hearing related to decisions or actions regarding your child's identification, eligibility, educational program or placement. You and the student may take part in the hearing and have an attorney represent you at your own cost;
15. File a 504 grievance with the district when you believe your child's rights have been violated;
16. File a complaint with the regional Office for Civil Rights.

Rights and Responsibilities section taken from the Council of Administrators of Special Education Inc. publication on Section 504 of the Rehabilitation Act of 1973.

Contact:

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