

NOTICE OF PROCEDURAL SAFEGUARDS

Re: Section 504 Rights

Dear Parent/Guardian:

Section 504 of the Rehabilitation Act of 1973, ("Section 504") is a nondiscrimination statute enacted by the U.S. Congress. The Act's purpose is to: (1) protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Dept. of Education, and (2) assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who: has a record of having, is regarded as having, or has a *physical or mental impairment* which substantially limits one or more *major life activities* as defined by 34 C.F.R. §104.3.

This notice describes the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The intent of this notice is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any decisions in reference to Section 504.

Please keep this explanation for future reference.

Parents/Guardians and/or students have the right to:

1. Be informed by the School District of your rights and procedural safeguards under Section 504 in an understandable language. 34 C.F.R. Parts 104 and 300. The purpose of this notice is to advise parents/guardians and/or students of these rights.
2. An appropriate education designed to meet a student's individual educational needs as adequately as the needs of non-disabled students are met. 34 C.F.R. §104.33.
3. Free educational services except for those fees that are imposed on non-disabled students or their parents/guardians. 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 C.F.R. §104.33.
4. A placement in the least restrictive environment. This does not mean that a child with a disability has the right to be placed in the regular classroom. Rather, it means that a child with a disability has the right to be educated with peers who are not disabled so long as the student's educational needs can be adequately and reasonably met in that setting, and so long as the student is not so disruptive as to

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significantly interfere with the education of the other students in that setting 34 C.F.R. §104.34.

5. Facilities, services, and activities that are comparable to those provided for non-disabled students. 34 C.F.R. §104.34.
6. An evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 C.F.R. §104.35.
7. Testing and other evaluation procedures conforming to the requirements of 34 C.F.R. §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 conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent/guardian observations, anecdotal reports and standardized test scores. 34 C.F.R. §104.35.
8. Placement decisions made by a group of persons, i.e., a Section 504 team, including the parent(s)/guardian(s) persons knowledgeable about the student, the meaning of the evaluation data, the placement options and the legal requirements for the least restrictive environment and comparable facilities. 34 C.F.R. §§ 104.34 and 104.35.
9. Periodic reevaluations. 34 C.F.R. §104.35.
10. A notice prior to any action by the District in regard to the identification, evaluation, or placement of the student. 34 C.F.R. §104.36.
11. Examine relevant records. 34 C.F.R. §104.36.
12. Request a meeting with the Section 504 Coordinator to review any concern over the actions of the District with respect to the identification, evaluation, educational programs, or placement of your child. This meeting is not required by law, but frequently can resolve concerns.
13. Request a mediation and/or an impartial hearing related to any decision or action regarding your child's identification, evaluation, educational program or placement. You and your student may take part in the hearing before an impartial hearing officer and have an attorney represent you. Under certain circumstances, you may be entitled to an award of reasonable attorney fees.

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14. A review by a court of competent jurisdiction of the impartial hearing officer's decision. 34 C.F.R. §104.36. Any appeal must be filed in a court of competent jurisdiction within 120 days after the impartial due process hearing officer's decision is mailed to the party. 105 ILCS 5/14-8.02a(i).

15. File a complaint with the Office of Civil Rights. The Illinois regional Office of Civil Rights is in Chicago at:
 - Chicago Office for Civil Rights
 - U.S. Department of Education
 - Citigroup Center
 - 500 West Madison Street, Suite 1475
 - Chicago, IL 60661-4544
 - Phone: 312/730-1560
 - Fax: 312/730-1576
 - TDD: 800-877-8339
 - Email: OCR.Chicago@ed.gov