

# **Section 504**

## **Parent and Student Rights**

### **USD 493 Columbus**

USD 493 Columbus affords certain rights to students with disabilities and their parents as set forth in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec.706, 8). Section 504 of the Rehabilitation Act states: "No qualified individual with a disability shall, solely on the basis of his or her disability, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

A student is entitled to a Section 504 Accommodation Plan if they have been:

- Identified and the evaluation shows that the individual has a mental or physical impairment that substantially limits one or more major life activities.
- He or she has a record of such impairment.
- Is regarded as having such impairment.

Section 504 is a civil rights statute that provides certain protections to special education and general education students, employees, parents, and community members with disabilities. The Americans with Disabilities Act is an extension of Section 504 into the private sector. Its protections for individuals within USD 493 are essentially the same as Section 504. Students with disabilities who do not qualify for services under the Individuals with Disabilities Education Act of 1990 (IDEA) may have rights if they are eligible under Section 504. A person who has a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working, has a disability under 504.

The determination is made by a team of knowledgeable individuals, including teachers, counselors, administrators, and parents who are familiar with the student and his or her disability.

A 504 Accommodation Plan is not a plan designed to enhance a student's performance. It is a plan to provide fairness and equal access to education. The student must be evaluated and meet the Section 504 identification criteria.

The following is a description of some student and parent rights under Section 504 and other federal laws. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

- Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
- Receive notice with respect to identification, evaluation, program or placement of your child.
- Have your child receive a free appropriate public education (FAPE). This includes the right to be educated with other students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities.
- Have your child educated in facilities and receive services comparable to those provided for students without disabilities.
- Have evaluation, educational, and placement decisions made based upon a variety of information sources and by individuals who know the student, disability, evaluation data and placement options.
- Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school.
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
- File a local grievance with your school if you feel your child is being discriminated against because of their disability.
- Request a due process hearing to help resolve issues with the school and or district.
- File a formal complaint with regional Office of Civil Rights.