

NOTICE OF PARENT AND STUDENT RIGHTS UNDER §504 of THE REHABILITATION ACT

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a non-discrimination statute enacted by the United States congress. The purpose of the Act is to prohibit discrimination and to assure that students with a disability have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who: a) has a disability, b) has a record of having a disability, or c) is regarded as having a physical or mental disability that substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and/or performing manual tasks.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both The Rehabilitation Act of 1973, Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504.

Federal, state and county regulations that address the administration of Section 504 and IDEA are available through the Jackson County Schools, Office of Special Education.

The regulations for Section 504 as set forth in 34 CFR Part 104 give parents and/or students the following rights:

1. Parents have a right to be informed by the school district of their rights under Section 504 as outlined in this document.
2. A disabled student has the right to an appropriate education designed to meet his/her individual educational needs. The school will provide an educational program to meet the needs of a disabled student as adequately as that provided for a non-disabled student.
3. A disabled student has the right to free educational services except those fees that are imposed upon non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services to a disabled student.
4. A disabled student has a right to placement in the least restrictive environment.
5. A disabled student has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
6. A disabled student has a right to an evaluation before an initial Section 504 placement and any subsequent change in placement.
7. Testing and other evaluation procedures must comply with the requirement of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district will consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress

- reports, parent observations, anecdotal reports and other test data available.
8. The Section 504 Committee, including persons knowledgeable about the child, will review the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities in order to determine the appropriate accommodations.
 9. If eligible under Section 504, the student has a right to periodic reevaluations, generally every three years.
 10. Parents have the right to a notice before the district takes any action involving the identification, evaluation, or placement of your child.
 11. A disabled student has a right to nonacademic and extracurricular services and activities including counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Jackson County Schools, and referrals to agencies which provide assistance to handicapped persons. Parents have the right to examine educational records in accordance with the Family Education Rights and Privacy Act (FERPA) and State Board Policy 4350. The Family Education Rights and Privacy Act specifies rights related to educational records. This act gives the parent or guardian the right to: a) inspect and review his/her child's records; b) make/obtain copies of these records; c) receive a list of all individuals having access to those records; d) receive an explanation of any item in the records; e) request an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and, f) a hearing on the issue if the school refuses to make the requested amendment.
 12. Parents have the right to examine educational records in accordance with the Family Education Rights and Privacy Act (FERPA) and State Board Policy 4350. The Family Education Rights and Privacy Act specifies rights related to educational records. This act gives the parent or guardian the right to: a) inspect and review his/her child's records; b) make/obtain copies of these records; c) receive a list of all individuals having access to those records; d) receive an explanation of any item in the records; e) request an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and, f) a hearing on the issue if the school refuses to make the requested amendment.
 13. Parents have the right to an impartial hearing with respect to the district's actions regarding the child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.
 14. If a parent wishes to challenge the actions of the district's Section 504 Committee regarding the child's identification, evaluation, or educational placement, he/she may file a written Notice of Appeal with the Board of Education. The challenge shall be submitted within five working days from the time written notice of the Section 504 Committee's action(s) is received. In the event the complaint is not resolved by the Superintendent of Jackson County Schools, the Board of Education shall meet and review the complaint and render a decision: a) that no hearing is warranted, or b) to notify the complainant of the schedule for a hearing. The parent(s) may be represented by legal counsel or an advisor during the hearing.

15. If the parent disagrees with the decision of the impartial hearing officer, he/she has a right to a review of that decision by a court of competent jurisdiction.
16. Regarding Section 504 matters other than identification, evaluation, and placement, parents have a right to file a complaint with the district's Section 504 Coordinator (or a designee), in accordance with the Due Process Procedures outlined in the county 504 Policy and Procedures manual.
17. Parents also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office that covers West Virginia is:

Office for Civil Rights, Philadelphia Office
U.S. Department of Education
Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
(215) 656-8541; FAX# (215) 656-8605

Or, to file an online complaint:

<http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>