

Notice of Procedural Safeguards SECTION 504
NOTICE OF PROCEDURAL SAFEGUARDS

Overview

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination on the basis of disability. Section 504 provides, in part, that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department of Education.

Definitions

Handicapped Person ("Person with a Disability"): any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; or (ii) has a record of such impairment; or (iii) is regarded as having such impairment.

Physical or Mental Impairment: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activity: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Qualified Person with a Disability: (1) With respect to public educational services, a person with a disability (i) of an age during which persons without disabilities are provided such services, (ii) of an age during which it is mandatory under state law to provide such services to persons with a disability, or (iii) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA); (2) With respect to vocational education services, a person with a disability who meets the academic and technical standards requisite to admission or participation in the District's education program or activity; and (3) With respect to other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services.

Appropriate Education: the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and are based upon adherence to Section 504 procedural requirements regarding academic settings, nonacademic settings, comparable facilities, evaluation, placement and the provision of procedural safeguards.

Section 504 Team: a group of persons including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Significant Change in Placement: A substantial and fundamental change in a student's educational program that can include, but is not limited to, an exclusion from the educational program of more than ten school days, transferring a student from one type of program to another, or terminating or significantly reducing a related service.

Notice of Section 504 Procedural Safeguards

The District hereby provides notice of the following procedural safeguards to insure that parents and guardians are fully informed of their rights concerning decisions involving the identification, evaluation, or educational placement of their student. These procedural safeguards will be provided at the time of referral, at a time when the parent or guardian disagrees with a decision regarding the identification, evaluation, or educational placement of their student, any time that a parent or guardian requests information regarding the rights contained herein, and on an annual basis thereafter. Section 504 safeguards include the following:

- (i) Receiving notice of rights under Section 504 (See 34 CFR 104.36);
- (ii) Receiving notice with respect to actions regarding identification, evaluation, or educational placement (34 CFR 104.36);
- (iii) The right to examine all relevant records relating to decisions regarding their child's identification, evaluation, or educational placement. Requests to review such records should be made to the Chair of the Section 504 Team (34 CFR 104.36);
- (iv) The right to file a complaint as set forth below;
- (v) The right to representation by counsel in any due process hearing;
- (vi) The right to review of the determination of any due process hearing.

District's Complaint Procedure

The District has adopted an internal grievance procedure for the prompt and equitable resolution of complaints alleging any action prohibited under Section 504 and Title II, as applicable. Examples of grievable issues could include: denial of an accommodation; inadequacy of an accommodation; or inaccessibility of a program or activity due to disability. (Note: Complaints regarding other types of discrimination based on disability, including harassment, are addressed under the District's harassment and discrimination complaint process as set forth in the District's student handbook.) Complaints should be addressed to the District's designated Section 504 contact person:

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