

The Rehabilitation Act of 1973 is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and it applies to all programs and entities that receive federal funding. However, school districts do not receive federal money specifically for this Act. This Act was amended in 1990 to substitute “individual with disabilities” for “handicapped.” Specifically, § 504 of this act applies to students in public schools to ensure that students with disabilities have educational opportunities and benefits equal to students without disabilities.

Note Regarding Revisions:

The purpose of this document is to serve as the Notice of Rights and Procedural Safeguards of a student’s rights under Section 504. In 2008, the Americans with Disabilities Act was amended and included a conforming amendment to Section 504. In October 2012, new guidance was issued by the Office of Civil Rights. This document has been revised accordingly, with revisions made pursuant to current guidance. The DISD Board Policy has been similarly revised / updated.

For more information, the reader is invited to review the following website:

- <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Section 504 and Title II do not contain a specified list of disabilities. Instead, they use a functional definition of disability. Under this approach, an eligible student under § 504:

- Has a physical or mental impairment which substantially limits one or more of *major life activities*,
 - An impairment that substantially limits one major life activity *need not* limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability **if** it would substantially limit a major life activity when active.
- Has a record of such and impairment, or
- Is regarded as having such an impairment.
 - A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

Congress has made clear that the definition of disability should be understood to allow for broad coverage.

Ameliorative effects of mitigating measures:

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as

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| ▪ Medication | ▪ prosthetics | ▪ assistive technology |
| ▪ Medical supplies | ▪ hearing aids | ▪ learned behavioral or |
| ▪ low-vision devices(which do not include ordinary eyeglasses or contact lenses | ▪ mobility devices | adaptive neurological modifications |
| | ▪ oxygen therapy | |

Major Life Activities:

- | | | | |
|---------------------------|-------------|-----------------|--|
| ▪ Caring for one’s self | ▪ Walking | ▪ Learning | ▪ Operation of operation of major bodily functions, including: |
| ▪ Performing manual tasks | ▪ Standing | ▪ Reading | ▪ Functions of the immune system, |
| ▪ Seeing | ▪ Lifting | ▪ Concentrating | ○ normal cell growth, and |
| ▪ Hearing | ▪ Bending | ▪ Thinking | digestive, bowel, bladder, |
| ▪ Eating | ▪ Speaking | ▪ Communicating | neurological, brain, respiratory, |
| ▪ Sleeping | ▪ Breathing | ▪ Working | circulatory, endocrine, and reproductive functions |

Under § 504, School Districts are responsible to:

- Designate a § 504 coordinator
 - DISD District Coordinator: Laurie Goforth (281) 229-6083
 - Each DISD campus has a campus 504 coordinator (the counselor)
- Establish a process for determining and documenting eligibility for protection against disability
 - DISD has a comprehensive system of intervention and evaluation procedures designed to implement the Child Find provisions of this Act.
 - DISD is committed to providing a free, appropriate public education in the least restrictive environment to all students enrolled in DISD.
- Provide Procedural Safeguards Notice
 - When the parent or school is requesting 504 eligibility
 - When the Problem Solving Team (PST) requests assessment which could lead to 504 eligibility (e.g. dyslexia assessment)
- Develop disability related grievance procedure

The enabling regulations for § 504 as set out in 34 CFR Part 104 provide parents and / or students with the following rights:

1. Have the District provide advice to you about your rights under federal law. (The purpose of this notice is to advise you of those rights.). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District and they will assist you in understanding your rights.
2. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability. You have the right to refuse consent for services at any time.
3. Receive notice with respect to identification, evaluation, or placement of your child. (This notice will be provided to you if the district is requesting individual evaluation of your child for the purpose of determining eligibility conditions of a disability.) You have the right to refuse consent for initial evaluation.
4. Have your child receive a free appropriate public education, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. This includes the right to be educated with non-disabled children to the maximum extent appropriate. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. It also includes the right to have the 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 students without disabilities.
6. Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to receive reasonable accommodations under Section 504 of the Rehabilitation Act. You have the right to refuse consent for services at any time.
7. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options. You have the right to refuse consent for initial evaluation.
8. Have transportation provided to a school 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. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school District through the provision of reasonable accommodations.
10. Examine all relevant records relating to decisions regarding your child's identification, eligibility, 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 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 District refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request impartial due process hearing related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
15. File a complaint with the District when you believe your child's rights have been violated. The district's concern resolution procedure is as follows:
16. File a complaint with the Office of Civil Rights. The address of the Regional Office which covers Texas is:

Office of Civil Rights, Region VI
 1999 Bryan Street, Suite 1620
 Dallas, TX 75201-6810
 (214) 661-9600

First Step	<i>Teacher</i>	Questions or concerns regarding instructional practices in your child's classroom should first be directed to his/her classroom teacher during a scheduled meeting or via a telephone conversation.
Second Step	<i>Building Principal</i>	If more information is needed or you still have questions and/or concerns, a discussion should be scheduled with your child's principal.
Third Step	<i>Program Director Special Education Buildings/Grounds Transportation Community Education</i>	If further information is needed or if questions or concerns are not resolved at the principal level, a contact should be made with the appropriate director. Section 504 District Contact: Laurie Goforth (281) 229-6083
Fourth Step	<i>Assistant Superintendent Administration</i>	If questions still persist after contacting the appropriate director, please direct your concerns to an Assistant Superintendent.
Fifth Step	<i>Superintendent</i>	A conference with the Superintendent of Schools is most appropriately made if questions or concerns have not been adequately addressed at earlier levels.
Sixth Step	<i>Board of Education</i>	The last level of contact with the district about a question or concern is the Board of Education. Please notify the Superintendent's Office if you plan to appeal directly to the Board. An agenda item entitled "Public Participation" will allow you a five-minute presentation to the Board.

This six-step process for solving concerns has proven effective because it attempts to resolve problems at the lowest levels and allows for the efficient operation of the school district.

My signature below indicates that I have received a copy of the § 504 Notice of Rights and Procedural Safeguards.

Student Name

Parent Signature

Parent Printed Name

Date

The parent did not return the Record of Receipt form.. The employee signature below is provided to note the procedural safeguards were:

___ sent via US Mail to home address

___ provided to parent in person

Printed Employee Name

Signature

Date