

## **NOTICE OF RIGHTS FOR DISABLED STUDENTS AND THEIR PARENTS UNDER s.s.504 OF THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly known in the schools as "Section 504," is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, s.s.504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under s.s.504, a student is considered "disabled" if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under s.s.504, even if they do not qualify for, or receive, special education services.

The purpose of the Notice is to inform parents and students of the rights granted them under s.s.504. The federal regulations that implement s.s.504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following rights:

1. You have a right to be informed about your rights under s.s.504 [34 CFR 104.32] The School District must provide you with written notice of your rights under s.s.504 (this document represents written notice of rights as required under s.s.504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District's s.s.504 Office and they will assist you in understanding your rights.
2. Under s.s.504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met [34 CFR 104.33].
3. Your child has the right to free educational services, 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 s.s.504. [34 CFR 104.33]
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. 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. [34 CFR 104.34]
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34]
6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under s.s.504, and also before every subsequent significant change in placement. [34 CFR 104.35]
7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirement of s.s.504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will consider information from a variety of sources in making its determinations, including for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural

- background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TEAMS/TAAS tests, among others. [34 CFR 104.35]
8. Placement decisions regarding your child must be made by a group of persons (a s.s.504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placements options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35]
  9. If your child is eligible for services under s.s.504, he or she has the right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35]
  10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
  11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under s.s.504). [34 CFR 104.36]
  12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under s.s.504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
  13. If you wish to contest an action taken by the s.s.504 Committee by means of an impartial due process hearing, you must submit a Request for Hearing to the District's s.s.504 Coordinator at the address below:

Sharon Warnecke  
Coordinator  
for Health Services  
2855 Colonial Boulevard  
Fort Myers, Florida 33966

The School District will submit the Request for Hearing to an independent hearing officer.

1. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
2. With respect to other issues surrounding your child's education that do not specifically involved identification, evaluation, or placement, you have a right to present a grievance or complaint to the District's s.s.504 Coordinator (or their designee), who will then investigate the situation, taking into account the nature of the complaint and all necessary factors, in an effort to arrive at a fair and speedy resolution.
3. You also have a right to file a complaint with the Office of Civil Rights (OCR) or the Department of Education.