

Section 504 - The Rehabilitation Act of 1973
Notice of Parent and Student Rights

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to ensure that disabled students 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,
 - b) has a record of having, or
 - c) is regarded as having,
- a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

It is the purpose of this notice to set out the rights assured by Section 504. If parent/guardian has questions regarding parental rights under IDEA (Individuals with Disabilities Education Act), they should contact the Director of Special Education.

The enabling regulations for Section 504, as set out in **34 CFR Part 104**, provide parent/guardian and/or student with the following rights:

1. You have the right to be informed by the district of your rights under Section 504. (The purpose of this notice form is to advise you of those rights.) **34 CFR 104.32**
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students. **34 CFR 104.33**
3. Your child has the right to free educational services, except for those fees allowable by law that are imposed on non-disabled students or their parent/guardian. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. **34 CFR 104.33**
4. Your child has the right to placement in the least restrictive environment. **34 CFR 104.34**
5. Your child has the right to facilities, services, and activities that are comparable to those provided for non-disabled students. **34 CFR 104.34**
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. **34 CFR 104.35**
7. Testing and other evaluation procedures must conform to the requirements of **34 CFR 104.35** as to validation, administration, areas of evaluation, etc. The district shall 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/guardian observations and anecdotal reports. **34 CFR 104.35**
8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation

data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. **34 CFR 104.35**

9. If eligible under Section 504, your child has the right to periodic reevaluations, generally every three years. **34 CFR 104.35**

10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. **34 CFR 104.36**

11. You have the right to examine relevant records. **34 CFR 104.36**

12. If you disagree with the district's actions, you have the right to an impartial hearing regarding your child's identification, evaluation or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. **34 CFR 104.36**

13. If you wish to challenge the actions of the school's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with: **San Juan Unified School District, 504 Coordinator, 3700 Garfield Avenue, Carmichael, CA (916) 971-7220** within 30 school days from the time you received written notice of the Section 504 Committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing. (See District Board Policy/Administrative Regulation 6164.6.)

14. If you disagree with the decision of the impartial hearing officer, you have the right to a review of that decision by a court of competent jurisdiction. **34 CFR 104.36**

15. You also have the right to file a complaint with the Office of Civil Rights. The address of the regional office, which covers California, is:

United States Department of Education
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105 - 1813
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov