

# Section 504 of the Rehabilitation Act of 1973

*No otherwise qualified individual with a disability in the United States, as defined in Section 706(8) of this title, shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...*  
*20 U.S.C. 794(a).*

## A GUIDE FOR PARENTS

### Section 504:

- is an anti-discrimination statute
- extends automatically to special education (IDEA) students
- requires the district:
  1. To identify and notify qualified disabled students of their rights
  2. To evaluate students to determine eligibility
  3. To meet the needs of eligible disabled students as adequately as the needs of nondisabled students
  4. To provide a free appropriate public education (FAPE)
  5. To provide the parents of each eligible student with the required procedural safeguards

### Who Is Eligible?

Students of Campbell County School District, between the ages of three (3) and twenty-two (22) years of age, who meet the following definition of disability:

- has a physical or mental impairment which *substantially or severely limits one or more major life activities*
- has a record of such impairment
- is regarded as having such an impairment

### Section 504 May Include Conditions Such As:

- Dyslexia
- Attention-Deficit/Hyperactivity Disorder
- Multiple Sclerosis
- Asthma
- Emotional Illness
- Learning Disabilities
- Diabetes
- Auto-Immune Disorders
- Cerebral Palsy
- Epilepsy
- Hearing Impairments
- Neurological Impairments
- Visual Impairments
- Muscular Dystrophy
- Orthopedic Impairments
- Other Disorders of Major Body Functions

### **Substantial or Severe Limitation is Required...**

- **students may have a condition or disability, but will not require 504 services in order to be successful in the classroom**
- **the learning of most 504 students is “substantially” affected**
- **some students may have a disability that does not affect learning, yet they need extra help of some kind from the district to better access learning**
- **we do not consider “mitigating measures” for eligibility purposes**

### **What's the Process?**

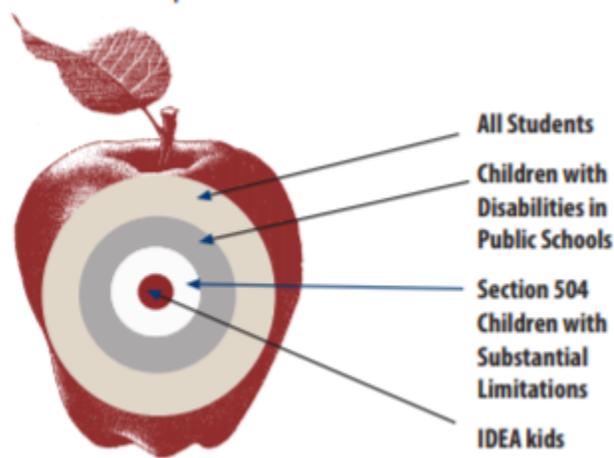
- **Contact your school counselor/social worker.**
- **Parents, medical professionals, or a student's school may initiate a referral.**
- **If a current disability and the need for services is suspected, the school moves to evaluate.**
- **“Evaluation” does not necessarily mean testing—in the 504 context, but rather a gathering of information from a variety of sources, including aptitude and achievement tests, teacher reports, adaptive behavior, discipline referrals, health information, parent information, student's grades, and reports from outside providers is available.**
- **Parents receive notice of the referral and a consent for evaluation, along with a copy of the notice of parent and student rights.**
- **Once the information has been gathered by the 504 committee, it will determine Section 504 eligibility.**
- **If eligible, the committee will create an accommodation plan for the student.**

### **Placement**

- **In the context of 504, “placement” usually refers to the regular education classroom with individually planned accommodations.**

### **Examples of accommodations:**

- **oral testing**
- **taping of class lectures**
- **adjusted assignments (but not academic content)**
- **handicap accessibility**
- **preferential seating**
- **supplemental materials**
- **accommodations for testing**
- **note taking assistance**
- **reduce pencil/paper tasks**
- **behavior intervention plan**
- **health plans**



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### **What are the School District Responsibilities under Section 504?**

The school staff and parents need to work in collaboration to help guarantee the student is provided with the necessary accommodations.

### **To be in compliance with Section 504 schools must:**

1. Provide written assurance of nondiscrimination.
2. Designate a 504 Coordinator.
3. Provide grievance procedures to resolve complaints.
4. Provide notice of nondiscrimination in admission or access to its program or activities. Notice must be included in a student/parent handbook.
5. Annually identify and locate all qualified children in disabilities who are not receiving public education.
6. Annually notify persons with disabilities and their parents or guardian of the district's responsibility under Section 504.
7. Provide parents or guardians with procedural safeguards.
8. Conduct a self-evaluation of school district policies, programs and practices to make sure discrimination is not occurring.

### **What are the Responsibilities of Parents?**

1. Share our concerns with the school early before problems become bigger.
2. Be involved in Section 504 meetings concerning your child.
3. Assist in developing appropriate accommodations and/or services for your child.

4. Encourage your child to cooperate with school staff and do his or her best.
5. When appropriate, collaborate with other agencies such as vocational rehabilitation.
6. Use mediation as an option if a difference cannot be resolved with the school.

### **What are the Responsibilities of the Students?**

1. When appropriate, be involved at Section 504 meetings.
2. Before graduation from high school, be familiar with their rights at post-secondary programs.
3. Cooperate and put forth maximum effort at school.

### **What is the Role of the Section 504 Coordinator?**

The role of the Section 504 Coordinator is to assist the school in meeting requirements under Section 504 of the Rehabilitation Act of 1973. The Coordinator will provide resources and help educators and administrators regarding their responsibilities under Section 504. In addition, the Coordinator will assist in creating an on-going program that will support problem-solving teams in accommodating students' needs. If you have questions regarding Section 504, call the school Section 504 Coordinator.

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(307) 687-4534

### **What are the Roles and Responsibilities of the Department of Education and the Office for Civil Rights?**

The U.S. Department of Education is the agency of the U.S. Government that administers federal funds for education programs, conducts and disseminates education research, focuses national attention on issues and problems in education, enforces federal statutes prohibiting discrimination in any activities receiving federal funds, and ensures equal access to education in every individual. The U.S. Department of Education maintains Regional Civil Rights Offices to enforce Section 504 and other civil rights laws.

All parents have the right to directly contact the Office of Civil Rights in Denver, Colorado, if they believe their child is being discriminated against based upon his or her disability. Most differences with schools can be resolved before contacting the Office for Civil Rights.

It is suggested you follow the procedures outlined below:

- 1. First try to resolve your differences at the teacher or school level. Set up a meeting to discuss your differences.**
- 2. If unsuccessful, set up a meeting with the school district's Section 504 Coordinator.**
- 3. If unsuccessful, call the Wyoming Department of Education for guidance at 307-777-5329.**
- 4. If unsuccessful, ask for mediation. This is a free service for parents. A neutral individual will work with you and the school to help resolve your differences.**
- 5. If unsuccessful, ask the Section 504 Coordinator how to file a grievance.**
- 6. In addition to the normal grievance procedure required by Section 504/ADA, Title IX, and Title VI, the U.S. Department of Education has an administrative rule for regulating due process hearings under Section 504. The impartial due process hearing is to resolve differences involving the education of Section 504/ADA qualified students with disabilities when such differences cannot be solved by means of a less formal procedure. Due process is defined here as an opportunity to present objections and reasons for the objections to the decision and/or procedures used by the school under Section 504/ADA.**
- 7. If unsuccessful, call the Office for Civil Rights in Denver to express your concerns. 303-844-5695, TTD 303-844-3417. Office for Civil Rights Complaint Process**

Sometimes, even when we do our best, we cannot come to agreement. Every effort must be used to resolve the difference at the local level, including requesting free mediation services. If all else fails, you have the right to file a complaint with the Office for Civil Rights. An individual person or an organization may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. An OCR complaint must be filed, in writing, within 180 after the violation has occurred. Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices.

- ❖ **Your name and address (a telephone number where you may be reached during business hours is helpful, but not required).**
- ❖ **A general description of the person(s) or class of person injured by the alleged discriminatory act(s) names of the injured person(s) are not required).**
- ❖ **The name and location of the institute that committed the alleged discriminatory act(s).**

- ❖ **A description of the alleged discriminating act's in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability or age).**

**A recipient may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under the four statutes listed above.**

## **Section 504 Parent/Student Rights In Identification, Evaluation Eligibility and Services**

**The following is a description of the rights granted under Section 504 to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have a right to:**

- 1. Have your child take part in, and receive benefits from public education programs with out discrimination because of his or her disability.**
- 2. Have the school district advise you of your rights under federal law.**
- 3. Receive notice with respect to identification, evaluation, or services for your child.**
- 4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities.**
- 5. Have your child educated in faculties and receive services comparable to those provided to students without disabilities.**
- 6. Have evaluation, education, and placement decisions based upon a variety of information sources, and by people who know the student, the evaluation data, and service options.**
- 7. Have your child receive special education and related services if he or she is found to be eligible under the Individuals with Disabilities Act or Section 504 of the Rehabilitation Act.**
- 8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district.**

9. **Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.**
10. **Examine all relevant records relating to decisions regarding your child's identification, evaluation and educational services.**
11. **Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.**
12. **A response from the school district to reasonable requests for explanations and interpretation of your child's records.**
13. **Request amendment of you child's education 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 school district refuses these requests for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing.**
14. **File a 504 grievance if you have a disagreement with the school.**
15. **Request mediation or an impartial due process hearing related to decision or actions regarding your child's identification, evaluation, education program or services. You and the student may take part in the hearing and have an attorney represent you.**
16. **File a complaint with the Office for Civil Rights, Region VIII, at 1244 Speer Blvd, Suite 310, Denver, Colorado, 80204- 3582. Phone 303-844-5695 or TDD 303-844-4303.**
17. **Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)**

**For more information about Section 504, write:  
Wyoming Department of Education Office of Civil Rights Coordinator  
122 W. 25th Street  
Cheyenne, WY 82002-0050  
307-777-2961**