

NOTICE OF PARENT/GUARDIAN AND STUDENT RIGHTS UNDER SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT (ADA) (504-2)

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure 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. *Dual Eligibility*: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under § 504. A Notice of Procedural Safeguards under the IDEA is available at: <http://www.cde.ca.gov/sp/se/qa/pseng.asp>. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

Federal laws and regulations provide parent(s)/guardian(s) and students with the following rights:

1. Parents/Guardians/Students have the right to be informed by the school district of their rights under Section 504 and the Americans with Disabilities Act. (The purpose of this Notice form is to advise you of those rights.)
2. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition.
3. Your child has the right to a free, appropriate education designed to meet his or her individual needs as adequately as the needs of non-disabled students are met. This includes the rights to be educated with non-disabled students to the maximum extent appropriate. 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.
4. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to disabled students.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
6. Your child has a right to an evaluation prior to an initial 504 placement and any subsequent significant change in placement. Parent/guardian signed written consent shall be obtained prior to the initial evaluation of a student.
7. Your child has the right to an equal opportunity to participate in nonacademic or extracurricular activities offered by the school.

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8. 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 and adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and SST referrals, as appropriate.
9. Placement decisions must be made by a group of persons (i.e., the Section 504 Team) including persons knowledgeable about your child, the meaning of evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
10. If eligible under 504, your child has a right to periodic reevaluations, generally every three years.
11. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
12. You have the right to examine relevant records.
13. You have the right to request an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, which must include the opportunity for participation by you as parent or guardian, the opportunity for representation by legal counsel, and a review procedure.
14. If you wish to challenge the actions of the 504 Team in regard to your child's identification, evaluation, or educational placement, you should file a written Request for District 504 Hearing to: District 504 Coordinator, Department of Special Education, 1301 M Street, Fresno CA 93721, within 30 calendar days from the time you receive written notice of the 504 Team determination/action that is at issue. Extensions may be granted upon a showing that the person was prevented from filing as result of his/her disability or if the delay was caused by the District.
15. On 504/ADA matters other than your child's identification, evaluation, and placement you have a right to file a complaint with FUSD Office of Constituent Services, 2309 Tulare, Room 218, Fresno, CA 93721. The office will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office for California is:

U.S. Department of Education
Office of Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105
Telephone (415) 486-5555
Fax (415) 486-5570

I received a copy of these rights.

Parent/Guardian Signature: _____ Date: _____

School Representative: _____ Date: _____