



## NOTICE OF PARENT AND STUDENT RIGHTS UNDER §504, THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, commonly referred to as §504, "is a nondiscrimination 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 nondisabled students. An eligible student under §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 §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. It is the purpose of this Notice form to set out the rights assured by §504 to those disabled students who do *not* qualify under the IDEA as requiring special education. The enabling regulations for §504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under §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 nondisabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled 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 a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial §504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR and 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 observations, anecdotal reports, and standardized group test scores. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons (i.e., the §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 §504, your child has a right to periodic re-evaluations, 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. You have the right to an impartial hearing with respect to the district's actions 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 district's §504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's §504 Coordinator within 30 calendar days from the time you received written notice of the §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.
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. On §504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's §504 Coordinator (or designee), who 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 which covers California is: Office of Civil Rights, Region IX, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, CA 94102.
17. Marlin Sumpter, Director of Student Services is the person designated by the Santa Barbara Unified School District responsible for implementing Section 504, 720 Santa Barbara St., Santa Barbara, CA 93101. Telephone: (805) 963-4331 x6258.