

NOTICE OF RIGHTS
FOR DISABLED STUDENTS AND THEIR PARENTS
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, commonly known as “Section 504” (§504), is a federal law passed by the United States Congress with the purpose of prohibiting discrimination on the basis of disability against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In the school setting §504 applies to ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to non-disabled students. You are receiving this document because you are either an adult student or the parent of a minor student who has or is suspected of having a disability under §504.

Under §504, a student is considered “disabled” if he or she has a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, caring for oneself, eating, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, communicating, performing manual tasks, and the operations of a major bodily function. Section 504 disability discrimination protections also apply 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 who have a physical or mental impairment that substantially limits one or more major life activities may be entitled to receive accommodations and/or services under §504, even if they do not qualify for, or receive, special education services.

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

1. You have a right to be informed about your rights under §504. [34 CFR 104.32]. The public school that you or your child attends must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this notice, please contact the 504 Coordinator for the school that you or your student is attending. (Building 504 Coordinator).
2. A child who has a physical or mental impairment that substantially limits a major life activity (“eligible child”) has the right to a free appropriate public 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. An eligible child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students.
4. To the maximum extent appropriate, an eligible child has the right to be educated with children who are not disabled. The eligible 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. The eligible child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The District must undertake an evaluation of your child prior to determining eligibility under Section 504 and developing his or her appropriate educational placement or program of services under 504, and also before any 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 requirements of §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 eligibility and 504 Plan 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, and parent input, among others. [34 CFR 104.35].

8. Placement decisions regarding your child must be made by a group of persons (a 504 Committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, children with disabilities should be educated with non-disabled children. [34 CFR 104.35].
9. If your child is eligible for services under §504, he or she has a right to periodic reevaluations to determine if there has been a change in educational need. Generally, a reevaluation will take place at least every three years. [34 CFR 104.35].
10. You have the right to be notified prior to any action (be it a proposal or refusal) 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 504). [34 CFR 104.36].
12. You have the right to request an impartial due process hearing if you wish to contest any District action with regard to your child's identification, evaluation, or placement under 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 request an impartial due process hearing, you must submit a written Request for Hearing to the District 504 Coordinator at the address below.

**Dr. Caroline Breault-Cannon
Breton Downs Elementary School
2500 Boston Street SE
Grand Rapids, MI 49506**

14. An impartial hearing officer will be appointed. You will be notified in writing of the hearing date, time, and place. Further details about the hearing process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building or the District 504 Coordinator.
15. 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.
16. If you feel that the District has violated an express term of its §504 policies and procedures, you have the right to present a grievance to the District 504 Coordinator. Further details about the grievance process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building or District 504 Coordinator.
17. If you feel the District has violated Section 504, you also have a right to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The address of the OCR Regional Office that covers Michigan is:

**Cleveland Office
Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812**