

PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, AND PLACEMENT
under the provisions of

SECTION 504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, which includes "Section 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 non-disabled students.

An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity such as learning.

Dual Eligibility: Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act ("IDEA").

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

1. Parents Rights. You have a 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. FAPE. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Free Education. 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 of an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. LRE. Your child has the right to placement in the least restrictive environment. 34 CFR 104.34.
5. Comparable Facilities/Extracurricular Activities. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students, including an equal opportunity to participate in non-academic and extracurricular activities. 34 CFR 104.34.
6. Evaluations. 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. 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. 34 CFR 104.35.

8. Section 504 Team. Placement decisions must be made by a group of persons, 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. Re-evaluations. If eligible under Section 504, your child has a right to periodic re-evaluations prior to any significant change in placement. 34 CFR 104.35.
10. Prior Notice. 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. Records. You have the right to examine relevant records of your student. 34 CFR 104.36.
12. Consent. Section 504 requires districts to obtain parental consent for initial evaluations, the implementation of Section 504 services, a student's initial placement, and a student's change in placement. You have the right to revoke your consent to any of the foregoing at anytime. However, should you revoke your consent, the District may initiate due process procedures.
13. Due Process Procedures. You have the right to an impartial hearing with respect to the District's action regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. The process for the hearing and applicable rights of parents are set forth in District regulations. 34 CFR 104.36.
14. Appeal Rights. You may appeal the final decision of the impartial hearing officer to a court of competent jurisdiction.
15. District Level Complaints. On Section 504 matters other than your child's identification, evaluation, and placement, you may file a complaint with the District's Section 504 Coordinator who will investigate the allegations in an effort to reach a prompt and equitable resolution.
16. OCR Complaints. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office that covers California is:

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

17. Suspension/Expulsion Discipline Issues.
 - a. No Section 504 student may be expelled if the conduct in question was caused by or had a direct and substantial relationship to the child's disability, or was the direct result of the District's failure to implement the student's Section 504 plan.
 - b. When suspension results in a period of more than 10 consecutive school days, or a series of suspensions that creates a pattern each of which is 10 or fewer days in duration, totaling more than 10 school days, the Section 504 Team will convene to determine whether the misconduct was caused by the student's disability.

- c. When expulsion is being considered, the Section 504 Team will convene. The parent/guardian will be given at least 48 hours notice of the meeting. The Section 504 Team will determine whether the misconduct was caused by or had a direct and substantial relationship to the child's disability, or was the direct result of the District's failure to implement the student's Section 504 plan.
- d. If the parent/guardian disagrees with the Section 504 Team's determination, he/she may appeal that determination under the due process procedures set forth in District regulations.
- e. A parent or guardian's disagreement with the Section 504 Team's determination or their request for an impartial hearing shall not preclude the District from proceeding with an expulsion or suspension of more than 10 days, if the Section 504 Team has determined that the student's misconduct was not caused by the child's disability, and was not the direct result of the District's failure to implement the student's Section 504 plan.

REMINDER: The procedural safeguards outlined in this Notice apply only to students or their parents/guardians making claims under Section 504. Students or their parents/guardians making claims under the IDEA must follow IDEA procedures.

The person responsible for Section 504 compliance within the Glendale Unified School District is:

**Hagop Eulmessekian, Director of Student Support Services
Coordinator of Section 504
Glendale Unified School District
223 North Jackson Street
Glendale, CA 91206
(818) 241-3111 Ext. 1285**