

IDENTIFICATION AND EDUCATION UNDER SECTION 504

**NOTICE OF PARENT AND STUDENT RIGHTS
UNDER SECTION 504**

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 (1) has, (2) has a record of having, or (3) is regarded as having, 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:

You have a right to be informed by the District of your rights under Section 504. (The purpose of this Noticed form is to advise you of those rights.)

Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met.

Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents.

Your child has the right to be provided an education with persons who are not disabled to the maximum extent appropriate to the needs of the disabled child.

Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.

Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement.

Testing and other evaluation procedures must conform to the requirements of Section 504 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.

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation at, the placement options, and the legal requirements for least restrictive environment and comparable facilities.

If eligible under Section 504, your child has a right to periodic re-evaluations prior to any significant change in placement.

You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child.

You have the right to examine relevant records of your student.

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 an opportunity for parental participation in the hearing, and representation by an attorney.

If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may initiate the following procedures. We encourage parents to utilize the options in an effort to resolve the issues informally but you may go directly to an impartial hearing.

The steps involved in initiating and implementing a Section 504 impartial hearing follow:

A request in writing for a Section 504 impartial hearing must be Filed in the Office of the District Section 504 Coordinator, Tulare and “M” Streets, Fresno, California 93721, (209) 441-3000. This request must be generally received by the District within ninety (90) calendar days from the parents’ or guardians’ receipt of written notice of the decision. This time frame may be extended for a good cause or by mutual agreement of the parties or a reconvened Section 504 meeting held at the parent/guardian’s request..

The written request shall contain the following:

- The Specific nature of the decisions made by the District with which the person disagrees.
- The Specific relief the person seeks.
- Any other information the person believes will assist in understanding the request.

Within fifteen calendar days following receipt of a written request for hearing, the District Section 504 Coordinator will select an impartial hearing Officer.

A hearing Officer selected by the District must satisfy the following requirements:

Salinas Union High School District

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Be qualified to review District decisions relating to Section 504.

Not be an employee of, or under contract with the District or the SELPA.

Not have any professional or personal involvement that would Affect his or her impartiality or objectivity in the matter.

Within sixty calendar days of the selection of the hearing Officer, the hearing shall be conducted and a written decision mailed to all parties.

Any party to the hearing shall be afforded the following rights:

- The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are disabled within the meaning of Section 504.
- The right to present evidence, written and oral.
- The right to question and cross-examine witnesses.
- The right to written Findings of fact, conclusions of law, and a decision prepared by the hearing Officer.
- The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.
- The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least Five (5) calendar days prior to the hearing except for good cause shown.

Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will utilize the services of an attorney, except for good cause shown.

The hearing Officer shall render a decision pursuant to the legal standards set forth in 34 CFR Part 104.

Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.

Reimbursement of attorneys' fees, expert witnesses fees, and other costs is available only as authorized by law.

On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to 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.

You also have a right to file a complaint with the Office of Civil Rights. The address of the regional office that covers California is:

Salinas Union High School District

Instruction

Exhibit #6164.6

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Office of Civil Rights, US Department of Education, Old Federal Building
United Nations Plaza, Room 239
San Francisco, California 94102
556-4275

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