

## **INFORMATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973 & NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504**

Section 504 is an Act that prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. It assures that persons with disabilities have educational opportunities and benefits equal to those provided to nondisabled students. The act defines a person with a disability as anyone who:

(1) has a mental or physical impairment which **substantially limits** one or more major life activities (such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); (2) has a record of such impairment; or (3) is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Lexington School District One recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and, if the child is determined to be eligible under Section 504, to afford access to appropriate educational accommodations.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: (1) inspect and review his/her child's educational records; (2) make copies of these records; (3) receive a list of all individuals having access to those records; (4) ask for an explanation of any item in the records; (5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and (6) receive a hearing on the issue if the school refuses to make the amendment.

Section 504 provides parents and students with the following rights:

1. The right to be informed of your rights under Section 504 of the Rehabilitation Act
2. The right for your child to have equal opportunities to participate in academic, nonacademic, and extracurricular activities in your school
3. The right to be notified about referral, evaluation, and programs for your child
4. The right for your child to be evaluated fairly
5. The right for evaluation, educational and placement decisions concerning your child to be made based upon a variety of information sources and by a team of persons that includes persons who know the student, the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities
6. The right, if eligible for services under 504, for your child to receive accommodations, modifications, and related services that will meet his/her needs as well as the needs of students without disabilities are met
7. The right, if eligible for services under 504, for your child to receive a periodic reevaluation
8. The right for your child to be educated with peers who do not have disabilities as much as possible and for him/her to use facilities and participate in services and activities that are comparable to those provided for nondisabled students
9. The right to request changes in the educational program of your child
10. The right to review and obtain copies of your child's school records
11. The right to file a grievance on 504 issues other than your child's identification, evaluation, and placement; to file a grievance, make a grievance request in writing and send it to the District 504 Coordinator; the 504 Coordinator shall investigate the grievance and reply in writing within ten (10) business days.
12. The right to an impartial hearing if you disagree with the school regarding your child's identification, evaluation, or educational placement; to initiate an impartial hearing, you must file a written Notice of Appeal with the District 504 Coordinator within 10 calendar days from the time you received written notice of the 504 committee's actions. A hearing will be scheduled before an impartial hearing officer within 30 calendar days and you will be notified in writing of the date, time, and place for the hearing. If you disagree with the hearing officer's decision, you have a right to a review of that decision by a court of competent jurisdiction.
13. The right to request attorney fees related to securing your rights under Section 504.
14. The right to file a complaint with the Office of Civil Rights. The Regional Office of Civil Rights which has jurisdiction of South Carolina can be contacted as follows: U.S. Department of Education, Office for Civil Rights, Region IV, P.O. Box 2048, Atlanta, GA 30301.
15. The right to file suit directly in any court of competent jurisdiction alleging a violation of Section 504.