

Section 504 Procedural Safeguards

Notice of Parent and Student Rights under Section 504 Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits comparable to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as, but not limited to learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for education services under both Section 504 and the Individuals With Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An explanation of procedural safeguards for New Hampshire students eligible for services under the IDEA may be found in the New Hampshire Procedural Safeguards Handbook, November 2023 which can be accessed through the New Hampshire Department of Education website (www.education.nh.gov) or obtained from the District’s Special Education/Student Services Office and sets out the rights assured by IDEA.

It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (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 also imposed on nondisabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or to pay for services provided to a disabled student. (34 CFR §104.34)
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 Section 504 placement and prior to any subsequent significant change in placement. (34 CFR §104.35)
7. 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, such as assessment, aptitude and achievement tests, teacher recommendations, physical condition or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR §104.35)
8. Placement decisions must be made by a group of persons (i.e., the Section 504 Team) including persons knowledgeable about your child, the meaning of evaluation data, and the placement options. (34 CFR §104.35)
9. If eligible under Section 504, your child has a right to periodic reevaluations, 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 the 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 Section 504 Team in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's action(s).

Kailie Boothby
kboothby@monroeschool77.com
77 Woodsville Rd.
PO Box 130
Monroe NH 03771

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 a right to a review of that decision by a court of competent jurisdiction. (34 CFR §104.36)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint pursuant to Board policy ACA and

procedural document ACAA-R with the district's Section 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 the right to file a complaint alleging any action prohibited by Section 504 with the Office for Civil Rights. The address of the Regional Office with jurisdiction in New Hampshire is:

Office for Civil Rights
U.S. Department of Education
5 Post Office Square
Boston, Massachusetts 02109-3921
Tel: (617) 289-0111
TTY: (877) 521-2172
FAX: (617) 289-0150
OCR.Boston@ed.gov
Web Contact: www.ed.gov

Legal Reference:

Federal Regulations

34 C.F.R. Part 104

28 C.F.R. Part 35

Federal Statutes

29 U.S.C. §794

42 U.S.C. §12131, et seq.

Cross Reference:

AC

AC-R

ACAA

ACAA-R

ACE