

BURLESON INDEPENDENT SCHOOL DISTRICT NOTICE OF PARENT AND STUDENT RIGHTS UNDER §504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, 29 USC 794, commonly known in the schools as “SECTION 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits equal to those provided to non-disabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities, including, but not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; communicating; walking; and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. A determination regarding whether an impairment substantially limits a major life activity is made without reference to the ameliorative effects of mitigating measures such as medications, medical equipment or auxiliary aids and services. Section 504 also applies to students who have a record of having a substantially limiting impairment, or who are regarded as being disabled even if they are not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services under the IDEA.

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) and entitle parents of eligible students, and the students themselves, to have the following rights:

1. You have the right to be informed about your rights under §504. The school district 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, contact appropriate staff persons at the district’s §504 office and they will assist you in understanding your rights. *34 CFR 104.32*

2. Under §504, 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. *34 CFR 104.33*

3. Your child has the right to free educational services except for those fees that are normally also paid by non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. *34 CFR 104.33*

4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your 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. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. *34 CFR 104.34*

6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every 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. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, grades, progress reports, parent observations, anecdotal reports, TAKS scores, mitigating measures, and any other information determined to be relevant by the 504 Committee. *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, the placement options, and the requirements that, to the maximum extent appropriate, disabled children should be educated with non-disabled children. *34 CFR 104.35*

9. If your child is eligible under §504, he or she has a right to periodic re-evaluations to determine if there has been a change in educational needs. Generally, an evaluation will take place at least every three years. *34 CFR 104.35*

10. You have the right to be notified prior to any action by the District in regards to the identification, evaluation, or placement of your child. *34 CFR 104.36*

11. You have the right to examine relevant 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 an impartial due process hearing with respect to the district's actions regarding your child's identification, evaluation, or educational 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. *34 CFR 104.36*

13. If you disagree with the actions of the §504 Committee in regard to your child's identification, evaluation, or educational placement, you have the right to request an impartial due process hearing by submitting a written request for a hearing to the District's §504 Coordinator. An impartial hearing officer will be appointed. You will be notified of the hearing date, time, and location.

Lucretia Gartrell
Section 504 Coordinator
Burleson ISD
1160 SW Wilshire Blvd.
Burleson, Texas 76028
Phone: 817-245-1000
Fax: 817-447-5737

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. As an alternative to a request for a due process hearing or for complaints related to §504 matters other than your child's identification, evaluation, and placement, you may file a complaint with the District's §504 Coordinator, 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 a right to file a complaint with the U.S. Department of Education's Office for Civil Rights. The address of the Regional Office, which covers Texas, is:

U.S. Department of Education Office for Civil Rights, Dallas Office
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
(214) 661-9600; FAX (214) 661-9587; TDD (877) 521-2172
Email: OCR.Dallas@ed.gov