



Notice of Parent and Student Rights under Section 504

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 assure that disabled students have educational opportunities and benefits equal to those provide to nondisabled 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 which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for educational service under both Section 504 and Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. A *Parent's Rights Brochure* is available through the school district’s Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

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

1. You have the right to be informed by the school district of your rights under Section 504 (The purpose of this Notice form is to advise you of those rights). 34CFR 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. 34CRF 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled 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. 34CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. 34CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34CFR 104.34.
7. Testing and other evaluation procedures must conform to the requirements of 34CFR 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 conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports and standardized test scores. 34CFR 104.35.

8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities.
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34CFR 104.35.
10. You have the right to a notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34CFR 104.36.
11. You have the right to examine relevant records. 34CFR 104.36.
12. 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. 34 CFR 104.36.
13. If you wish to file a complaint in regards to the actions of the school's Section 504 Committee, you should file a complaint in writing to:

Dr. Milissa W. Sackos,
Executive Director of Support Services
Mohave District Annex (MDA)
8500 E. Jack Rabbit Road
Scottsdale, Arizona
85250-6768
(480) 484-6113

Complaint procedures and Complaint Form can be obtained through school office or District Office. The appeal must be filed within 15 Calendar days of the determination by the school Section 504 Committee. The appeal will be reviewed, considering all evidence, documentation and reports submitted by both the school and the parents. A decision will be rendered within 15 calendar days.

If you wish to further challenge the actions of the District's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Request for Due Process Hearing with:

Dr. Milissa W. Sackos,



Executive Director of Student Services
Mohave District Annex (MDA)
8500 E. Jack Rabbit Road
Scottsdale, Arizona
85250-6768
(480) 484-6113

The request must be submitted within 15 calendar days from the time you received written notice of the complaint decision. 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.

1. If you disagree with the decision of the impartial hearing officer, you have the right to review of that decision by a court of competent jurisdiction. 34CFR 104.36
2. 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 (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.
3. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Arizona is:

Office for Civil Rights,
Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov

504 Coordinator:	Date:
School:	Telephone: