

## **Instruction**

### **Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights**

*On District letterhead.*

Date:

Dear Parent/Guardian:

Re: Section 504 Rights

Section 504 of the Rehabilitation Act of 1973, commonly referred to as *Section 504*, is a nondiscrimination statute enacted by the U.S. Congress. The Act's purpose is to: (1) protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Dept. of Education (ED), and (2) ensure 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: has a record of having, or is regarded as having, a *physical or mental impairment* which substantially limits a *major life activity* as defined by 34 C.F.R. §104.3.

This notice describes the rights ensured by Section 504 to those disabled students who do not qualify for special education and related services under the Individuals With Disabilities Education Act (IDEA).<sup>1</sup> The intent of this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any decisions in reference to Section 504.

***Please keep this explanation for future reference.***

Parents/Guardians and/or students have the right to:

1. Be informed by the School District of your rights and procedural safeguards under Section 504 in an understandable language. 34 C.F.R. Part 104. The purpose of this notice is to advise parents/guardians and/or students of these rights.
2. A free appropriate public education designed to meet a student's individual educational needs as adequately as the needs of non-disabled students are met. 34 C.F.R. §104.33.
3. Free educational services except for those fees that are imposed on non-disabled students or their parents/guardians. 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 C.F.R. §104.33.
4. A placement in the least restrictive environment to the maximum extent appropriate to meet the student's needs. 34 C.F.R. §104.34.

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**The footnotes should be removed before the material is used.**

<sup>1</sup> Beginning with the 2019-2020 school year, school boards must post on their website, if any, and incorporate into their student handbooks/newsletters, notice that students with disabilities who do not qualify for an individualized education program under the IDEA may qualify for services under Section 504 if the student: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of a physical or mental impairment; or (3) is regarded as having a physical or mental impairment. 105 ILCS 5/14-6.01, amended by P.A. 100-1112. This notice must identify the location and phone number of the person in the district to whom inquiries should be directed. Id.

5. Facilities, services, and activities comparable to those provided for non-disabled students. 34 C.F.R. §104.34.
6. An evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 C.F.R. §104.35.
7. Testing and other evaluation procedures conforming to the requirements of 34 C.F.R. §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/guardian observations, anecdotal reports and standardized test scores. 34 C.F.R. §104.35.
8. Placement decisions made by a group of persons, i.e., a Section 504 committee, including the parent(s)/guardian(s) and persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities. 34 C.F.R. §104.35(c).
9. Periodic reevaluation of students who have been provided special education and related services. 34 C.F.R. §104.35(d).
10. A notice prior to any action by the District in regard to the identification, evaluation, or placement of the student. 34 C.F.R. §104.36.
11. Examine relevant records. 34 C.F.R. §104.36.
12. An impartial hearing regarding the student’s identification, evaluation, or educational placement including an opportunity for parental participation in the hearing and representation by an attorney, and a review procedure. 34 C.F.R. §104.36.2  
*[Insert details regarding the district’s hearing and review procedures.]<sup>3</sup>*
13. File a grievance under Board policy 2:260, *Uniform Grievance Procedure*, regarding any complaints that allege action prohibited by Section 504.

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<sup>2</sup> Although compliance with IDEA procedural safeguards is one means of meeting this requirement (34 C.F.R. §104.36), IDEA procedural safeguards go above and beyond Section 504 requirements. Consult with the board attorney to determine if IDEA procedural safeguards should be used for Section 504 disputes.

<sup>3</sup> Section 504 does not prescribe hearing and review procedures, leaving the procedures used to the district’s discretion. Consult with the board attorney to determine appropriate local procedures. Possible procedures include this **option** (based upon Section IX, *Impartial Hearing Procedures*, of **Sample Section 504 Procedures** at: [www.iasb.com/law/sec504.cfm](http://www.iasb.com/law/sec504.cfm)):

If you disagree with the District relative to the student’s identification, evaluation, or educational placement, you must notify the District’s Section 504 compliance coordinator or designee and attempt to resolve any differences informally. If informal procedures fail, you may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the School Code shall not be employed unless you are contesting or asserting a right to special education services under the IDEA or Article 14. Your request for a hearing must be submitted in writing to the District’s Section 504 compliance coordinator or designee within 10 days of the date of the decision to be reviewed. The District’s Section 504 compliance coordinator or designee shall then appoint the impartial hearing officer.

You shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice will be sent at least five business days in advance of the hearing. The notice will inform you that you have the right to: review any relevant records before the hearing; be represented by counsel at the hearing; and participate in the hearing. The decision of the impartial hearing officer shall be in writing and be issued within 10 days after the hearing. Either party may seek review of the hearing officer’s decision by a court of competent jurisdiction.

14. File a complaint with the District's Section 504 coordinator or designee concerning Section 504 matters other than your student's identification, evaluation and/or placement. The Section 504 coordinator or designee will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. File a complaint with the Office of Civil Rights. The Illinois regional Office of Civil Rights is located in Chicago at:

Chicago Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 West Madison Street, Suite 1475  
Chicago, IL 60661  
Phone: 312/730-1560  
Fax: 312/730-1567  
TDD: 877/521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

If you would like more information about the differences between Section 504 and IDEA, see *Protecting Students with Disabilities FAQ about Section 504 and the Education of Children with Disabilities*, available at: [www2.ed.gov/about/offices/list/ocr/504faq.html](http://www2.ed.gov/about/offices/list/ocr/504faq.html).

Sincerely,

Superintendent

Adopted February 2019