

***JOHNSTON PUBLIC SCHOOLS
PROCEDURE***

***SECTION 504 OF THE REHABILITATION ACT OF
1973
&
THE AMERICANS WITH DISABILITIES AMENDED
ACT***

SECTION 504 OF THE REHABILITATION ACT OF 1973

AND THE AMERICANS WITH DISABILITIES AMENDED ACT

The Johnston Public School District (the District) will ensure that no student with a disability as defined in Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Amended Act (ADAA) within the District's jurisdiction will be denied, because of his/her disability, participation in curricular, intramural, or interscholastic activities or any of the services offered or rendered regularly to the students of this District. No otherwise qualified person shall, solely by reason of his/her disability, be subjected to discrimination under any program or activity sponsored by the Johnston Public School District. The District is committed to ensure that students with Section 504 disabilities be identified, evaluated, and provided with a free appropriate public education (FAPE). The District does not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in its programs and activities.

DEFINITIONS

The following definitions apply:

Section 504 of the Rehabilitation Act of 1973, (42 USC 12102 et seq.)

Sec. 794

Nondiscrimination under Federal Grants and Programs:

"No otherwise qualified individual with a disability in the United States, as defined in Sec. 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service." (29 USC Sec. 794 (a).

The Americans with Disabilities Amended Act ADAA

Effective January 1, 1990, the Americans with Disabilities Amendment Act also amended the Rehabilitation Act of 1973 such that the definition of a disability under the Rehabilitation Act (29 U. S. C. 705) is the same as the definition of a disability under the ADAA (42 U. S. C. 12102). This policy incorporates the amendment to the Americans with Disabilities Act.

Individuals with Disabilities Education Improvement Act - also known as IDEIA" (20 USC 1401 et seq) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.

Hereafter, the policy will refer to Section 504 with the understanding that the ADAA also applies.

Individual with Disability:

Any individual who (i) has a physical or mental impairment that SUBSTANTIALLY LIMITS one or more of such person's major life activities; (ii) has a record of such impairment; or (iii) is regarded as having such an impairment. (29 USC 705, 42 USC 12102)

Major Life Activities:

A. Included, 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, and working. (29 USC, 705, 42 USC 12102)

B. Major Bodily Functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. (29 USC 705, 42 USC 12102)

Substantially Limits:

A. The term "substantially limits" is not defined by law or regulation. Individual 504 teams must determine whether the student has a disability that substantially limits a major life activity.

B. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

C. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

D. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measure such as the following examples: medication, medical supplies, equipment, hearing aids and cochlear implants, reasonable accommodations, or auxiliary aids or services This list is not exhaustive.

Has a record of:

Has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as:

The individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

NOTE: The second and third prongs of the definition only become a factor if discrimination has occurred because of the "record" or "history".

REGULATORY REQUIREMENTS

Section 504 regulations require that all students with disabilities be provided:

- a free and appropriate public education (FAPE) including individually designed programs
- equal access to programs and services, including non-academic and extra-curricular activities
- notice to parents or guardians with respect to 504 procedures
- determination of Section 504 eligibility, done by a group of persons knowledgeable about the student and the results of information gathering or the evaluation conducted
- evaluation data based on a variety of sources, including parent-provided information
- development of a Section 504 plan, if deemed appropriate
- periodic reevaluation of the effectiveness of the 504 plan
- due process/grievance procedures available to parents/guardians

FACILITIES/PROGRAM

Barrier-free access to school facilities shall be provided to ensure that no individual with a disability is denied an opportunity to receive an education. Students with disabilities will have facilities of a type and quality equivalent to those of students without disabilities.

IDENTIFICATION/EVALUATION/PLACEMENT

Identification

Each school shall make all reasonable efforts to identify students with disabilities who reside within the District in order to determine possible eligibility for special education and/or related services or supplementary aids or services in accordance with federal and state law and this policy and procedures manual.

Evaluation

Any student, who the school suspects of having a physical or mental disability which may substantially limit a major life activity, may be referred for an evaluation by a certified and / or trained individual. Evaluations must address the concerns raised and the referral questions.

Placement

A free appropriate public education (FAPE) shall be provided for each child determined to be qualified as disabled under Section 504. A qualified student with a disability shall be placed in an education setting with his/her non-disabled peers to the maximum extent appropriate ("least restrictive environment" or "LRE") If the qualified student requires accommodations in a regular education classroom, the student's principal, who may be the school's 504 coordinator or his/her designee, shall involve the student's regular education teacher(s) in the Section 504 evaluation and accommodation process to ensure that they:

1. Have knowledge of the law and the relationship between the student's disability and his/her need for accommodations and interventions and/or services.
2. Have knowledge of the student's needs;
3. Make appropriate accommodations in the education program or activity to provide the student with a free appropriate public education, consistent with 34 C.F.R. § 104.33.
4. Make reasonable accommodations to provide an equal opportunity to participate in nonacademic services, consistent with 34 C.F.R. § 104.37..

REFERRAL

It is the responsibility of each school to identify and evaluate students who, within the intent of the Section 504 of the Rehabilitation Act of 1973, require special accommodations and/or services in order to receive a free appropriate education (FAPE).

Any student who needs, or is believed to need, accommodations or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or a third party for consideration and possible evaluation of the student's individual educational needs.

The school principal or his/her designee is the school's Section 504 coordinator and shall provide referral forms upon request.

The Section 504 Referral Form (Form 1) must be submitted directly to the school principal, and the principal will sign the original form upon receipt and make two (2) copies. The original form will be the district copy. One will be a 504 team (school) copy and one will be the parent copy. Within 10 days, parents must be sent written notice of the referral (Form #2) and a copy of the Section 504 procedural safeguards. (Form #4)

The Section 504 coordinator will appoint the members of the 504 Team for the student and team members shall gather all relevant information from a variety of sources, including parent-provided information.

NOTICE AND INVITATION

The student's parent shall be notified of, and invited to participate in, (Form #2) the Section 504 School Team meeting within a reasonable amount of time (no more than 30 days from the initial referral). The 504 Team may meet and decide issues relating to the referral, evaluation, and identification of accommodations without the attendance or participation of the student's parent as long as the school has provided the parent with reasonable notice of the meeting and the parent either does not attend or declines to attend. The 504 Coordinator must maintain a record of the notice sent to the parent and the attempts to engage the parent in participation. Unless there are urgent circumstances where delaying the meeting may deny the student a free

appropriate public education, there should be at least two attempts before the meeting is held without the parent. Said notice shall be clearly communicated to the parent and / or student.

CONSENT

Section 504 does not require written consent for evaluation or implementation of 504 plans. However, Johnston Schools shall follow best practice and obtain written consent for all evaluations completed.

SECTION 504 TEAM

The Section 504 School Team shall generally be composed of at least two persons other than the parent who are knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and options that will enable the student to attain equal access. Team membership will be determined by the needs of the individual student being evaluated, and may not be composed of a single pre-determined group assembled to assess all students. If there are medical issues or concerns, the school nurse will need to participate and determine if it may be necessary to develop a Health Care Plan or specific accommodations that are medically necessary.

EVALUATIONS AND PROCEDURES

The Section 504 evaluation requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed. Therefore, any tests/assessments used for the purpose of qualifying a student under Section 504 shall be selected and administered so as best to ensure the test/assessment results accurately reflect the student's aptitude, achievement or other factors, rather than reflect the student's disability, except where those are the factors being measured. All evaluation materials must be tailored to evaluate the specific areas of educational need and not merely those designated to provide a single intelligence quotient. The tests/assessments and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

The Section 504 School Team shall consider all relevant information, from a variety of sources, including any reports, evaluations, or diagnoses provided by the student's parents as well as the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, informal assessments, and teacher comments to determine whether he/she is disabled under Section 504. The team shall also consider any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities. Minutes of the meeting may be taken by 504 team coordinator/designee if appropriate.

Should the Section 504 School Team determine that a student is disabled under Section 504, (Form #3) it will develop a Section 504 accommodation plan describing what accommodations, services, and/or programs will be provided to meet the student's specified needs. The Section 504 coordinator will also serve as the case manager, and will enter the 504 plan and relevant information in the district's Student Information System (SIS).

SECTION 504 ACCOMMODATION PLAN

The Section 504 School Team will develop a written plan (See Appendix) describing the disability and the individualized needs or related services needed. The plan will specify how the regular or individualized instruction and/or aids and/or services will be provided, and by whom. Usually, the student's general education teacher will be in charge of implementing the specific accommodations.

The parents or guardian shall be invited to participate in Section 504 School Team meetings where accommodations and services for the student will be determined, and the parents shall be given an opportunity to examine all relevant records.

The team may also determine that no special accommodations or services are appropriate. If so, the record of the Section 504 School Team proceedings will reflect the determination of the student as a person without a qualified disability and will state the basis for the decision that no special services or accommodations are presently needed. The parent will be provided with written information about this decision, (Form #3) and also with a copy of the Parent and Student Rights under 504. (Form #4)

INTERVENTION PLAN

An intervention plan is appropriate for an at-risk student who may be facing challenges in school. Teacher Support Teams (TST)/ Targeted Teams are designed to provide educators with support and strategies for helping students in need of various accommodations and assistance. Regular Education Intervention Plans are not policed by the US Department of Education, Office of Civil Rights or the Rhode Island Department of Education.

A student with a disability under Section 504 shall be placed in the general educational environment of the District, with the use of accommodations and/or services, unless the District demonstrates that such placement cannot be achieved appropriately. The student with a qualified disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The intent of Section 504 is to “accommodate” qualified disabled students’ needs within the general education environment, so that the student may gain access to the general curriculum. For this to occur, all school staff shall be provided specific information concerning the procedures for implementing Section 504 plans.

TRANSFERS

If the student transfers to another school or district, the sending school shall include the 504 plan when forwarding records to the receiving school.

If a student enrolls in Johnston with a Section 504 plan from another district or state, the plan will be immediately implemented to the extent possible. Within 30 days, the 504 coordinator will convene a 504 team and the team will conduct a/n review/evaluation consistent with the procedures outlined in this policy.

REVIEW/CHANGE IN PLACEMENT

Section 504 requires a periodic review, not less than annually to review the plan’s efficacy and on-going need. Additionally, this allows the succeeding teachers and service providers an opportunity to learn of the student’s needs and ensure that the plan is implemented at the beginning of each school year. An “evaluation” is required prior to a significant change of placement. Changes of placement would include graduation and disciplinary removals in excess of ten consecutive days.

DISCIPLINE

The discipline procedures described in the STUDENT CODE OF CONDUCT will be used in all situations in which a student with a qualified disability under Section 504 (or suspected qualified disability) may be subject to suspension or expulsion. Since expulsion or cumulative forms of suspension may, in cases when the student will be excluded from school ten (10) or more days, constitute a change in placement, a group of persons knowledgeable about the student, including the parent, shall convene a manifestation meeting to discuss whether the behavior that led to the proposed disciplinary action is directly related to the child’s disability. In this process, the team re-evaluates the student. If the team’s determination is that behavior leading to the proposed disciplinary action is not a manifestation of the child’s disability then the child shall be disciplined according to the STUDENT CODE OF CONDUCT, the same as non-disabled peers.

REVIEW/RE-EVALUATION OF STUDENT’S PROGRESS

The Section 504 School Team will monitor the effectiveness of the student’s section 504 Accommodation Plan periodically and conduct a re-evaluation at generally every three years.

IMPLEMENTATION OF SECTION 504 PLANS

All educators must implement the provisions of Section 504 plans for those students for whom the teacher is responsible. If the educator fails to implement the plans, such failure may be considered discrimination on the basis of a disability and the parent will be able to file a complaint with the U.S. Department of Education, Office for Civil Rights, file a Section 504 due process hearing or file a complaint under the District's grievance procedure.

SECTION 504 MEDIATION AND DUE PROCESS/IMPARTIAL HEARING PROCEDURES

In the event that a parent/guardian disagrees with a 504 decision regarding the identification, evaluation, and placement of a student with a disability, the parent/guardian has the right to appeal the decision to the State by requesting an impartial hearing (called a due process hearing), at the following:

Rhode Island Department of Education (RIDE)

Commissioner/Legal Office
255 Westminster Street
Providence, RI 02903
Phone: 401-222-8979

The RIDE due process hearing provides an opportunity to examine the child's records; parental participation; and representation by an attorney. The hearing officer shall review all relevant facts and render a decision. If the parent/guardian disagrees with the decision of the impartial hearing officer, they have the right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.

Further information regarding the hearing process through RIDE can be found at:

<http://www.ride.ri.gov/InsideRIDE/RIDEOffices/Legal.aspx>

<http://www.ride.ri.gov/Portals/0/Uploads/Documents/Inside-RIDE/Legal/504-Hearings.pdf>

Mediation Procedures

Mediation procedures are also offered by the District to resolve concerns relating to 504 identification, evaluation, or placement decisions. These procedures are not intended to delay or hinder the parent/legal guardian's right to a due process hearing. Rather, they are intended to assist the parent/legal guardian in resolving differences and in obtaining a free appropriate public education for their child. The following may occur when the parent/legal guardian does not agree with the decision not to evaluate or find eligible a Student for Section 504 or IEP services; and disputes the Section 504 or IEP evaluation findings and/or the accommodation plan/placement recommendations:

1. The school principal arranges a conference that includes the parent/legal guardian, the classroom teacher(s), and/or participants as needed. The parent/legal guardian(s) is given a copy of the Section 504 Procedural Safeguards. If the parent/legal guardian is non-English speaking, an interpreter is provided.
2. The school principal conducts the conference and informal resolution of the differences is sought.
 - a. The school principal explains to the parent/legal guardian that this due process conference does not interfere with his/her right to file a formal complaint.
 - b. The school principal/designee summarizes the results of the conference in writing, sends copies to the parent/legal guardian and places copies in the student's cumulative folder.

However, parents/guardians can request a due process hearing through RIDE at any time; there is no requirement to appeal to attempt resolution through these mediation procedures.

Other than for complaints related to identification, evaluation, and placement – students, parents/guardians, and employees may file complaints alleging that other students, employees, or third parties engaged in discriminatory by following the **GRIEVANCE PROCEDURES** below.

GRIEVANCE PROCEDURES

General Statement

These procedures apply to all complaints alleging discrimination (including harassment) carried out by employees, other students, or third parties. Notice of these procedures is hereby provided to students, parents/guardians, and employees. (For disputes regarding the eligibility/evaluation/placement of a Student for 504 services, please see the section above titled: **SECTION 504 MEDIATION AND DUE PROCESS/IMPARTIAL HEARING PROCEDURES.**)

The Johnston Public School District strives to provide an environment free from discrimination. The District encourages students, parents, and staff to identify barriers to a discrimination-free and an appropriate learning environment in the school(s). All grievances will be received and investigated in a fair and expeditious manner.

This policy does not deny the right of the grieving party to file formal complaints at any time with the Rhode Island Department of Education, the US Department of Education, Office of Civil Rights and/ or to seek private counsel for complaints alleging discrimination.

All records pursuant to the grievance shall be maintained by the District separate and apart from student records for a period of not less than five (5) years.

Steps to Resolution

Step 1: Principal or Immediate Supervisor (Informal and optional—may be bypassed by grieving party)

An informal meeting with the parties and the principal or the District Coordinator can solve many problems. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective.

Step 2: Section 504 District Coordinator

If the complaint or issue is not resolved at Step 1, and/or if a party chooses not to participate in Step 1, then the grieving party may file a grievance with the Section 504 Coordinator.

The Section 504 District Coordinator is:
Assistant Superintendent of Schools
10 Memorial Avenue
Johnston, Rhode Island 02919
401-233-1900 Ext. 2402

The Section 504 District Coordinator will respond to reasonable notice of discrimination. To help ensure this response, the District strongly encourages the submission of grievances in writing, stating: 1) the nature of the grievance; and 2) the remedy requested. The grieving party must sign and date the grievance. The written grievance should be filed with the Section 504 Coordinator within ten (10) days of the event or incident, or from the date the grieving party could reasonably become aware of such occurrence, to help ensure a timely and effective response. Grievances submitted past this date will be resolved as appropriate, but the passage of time may interfere with the resolution.

Responsibility of the 504 District Coordinator

The Section 504 District Coordinator is appointed by the superintendent or designee and is personally responsible for Section 504 compliance throughout the District. The Section 504 District Coordinator has the authority to investigate all grievances and to issue corrective actions to address non-compliance with federal law. The Section 504 District Coordinator will afford parties the opportunity to present witnesses and other evidence. At the conclusion of the

investigation, the Section 504 District Coordinator will prepare a written report of all investigations, which shall include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grieving party.
2. A statement of the facts as contended by each of the parties.
3. A statement of the facts as found by the Section 504 District Coordinator and identification of evidence to support each fact.
4. A list of all witnesses interviewed and documents reviewed during the investigation.
5. A narrative describing attempts to resolve the grievance.
6. The Section 504 District Coordinator's determination as to whether the allegations in the grievance are meritorious.

The Section 504 District Coordinator or designee will complete the investigation and file the report with the Superintendent within twenty-five (25) days after receipt of the grievance. The Section 504 District Coordinator will send a copy of the report to the grieving party and the respondent(s), if applicable.

If the Section 504 District Coordinator believes the grievance is valid, the Section 504 District Coordinator will recommend appropriate corrective actions to the Superintendent.

If the Superintendent agrees with the recommendation of the Section 504 District Coordinator, the corrective actions will be implemented.

In its resolution, the District shall take steps to prevent the recurrence of the misconduct (including harassment), and to correct its discriminatory effects on the complainant and others, if appropriate.

Other Options of the Grieving Party

At any time during this process, the grieving party may file a complaint with the Rhode Island Department of Education or the U.S. Department of Education, Office of Civil Rights.

REFERENCES

The Cleveland Municipal School District (2009) revised 504 Policy, Cleveland, Ohio

Zirkel, P., & Gorn, S. (1997) "Section 504, the ADA and the Schools," Horsham, PA, LRP Publications

Rehabilitation Act of 1973, (29 USC 794 et seq.)

Americans with Disabilities Amendment Act (ADAA), (42 US, 12101 et seq.)

Individuals with Disabilities Education Improvement Act (IDEIA) 2004, (20 US, 1401 et seq.)

Appendix

Section 504 forms

Form #1-Section 504 Referral Form

Form #2- Notice of Section 504 Referral/Eligibility Meeting

Form #3- Notice of Section 504 Disability Determination

Form #4- Notice of Parent and Student Rights under Section 504

Form #5- 504 Accommodation Plan (two pages)

Form # 6 – Parental Consent Form

JOHNSTON PUBLIC SCHOOLS
10 Memorial Avenue
Johnston, Rhode Island 02919

Form # 1 Section 504 Referral Form

Student Name: _____

Referral Date received by School Department _____

1. Referral made by:

Parent _____ School Department _____ Other (name) _____

2. Reason for referral/area of suspected disability:

_____ Physical impairment: _____

_____ Mental impairment: _____

3. Major life activity substantially

limited: _____

4. Pre referral interventions attempted or accommodations

made: _____

5. Referral sent to Section 504 Referral Team at student's school on _____.

JOHNSTON PUBLIC SCHOOLS
10 Memorial Avenue
Johnston, Rhode Island 02919

Form # 2 Notice of Section 504 Referral/Eligibility Meeting

Date: _____

Student's name: _____

School: _____ **School Telephone #** _____

Parent: _____

Meeting Date: _____ **Location:** _____

Your child has been referred to the School Department's Section 504 Referral/Eligibility Team (of which you are invited to participate as a member) for the purpose of determining if your child:

- a. Has a disability defined under Section 504 of the Rehabilitation Act of 1973 (Section 504); and
- b. Is in need of a Section 504 Accommodation Plan to eliminate discrimination on the basis of their disability.

Your participation in this process is very important. The School department will meet on the date and at the location included in this notice to make decisions regarding your child's referral for Section 504 protection and to determine if a Section 504 Accommodation Plan is needed to eliminate discrimination on the basis of disability.

Please contact the school department at: _____ to confirm your attendance at this meeting. If you are unable to attend the school department will make other arrangements for your participation.

Please bring any information, medical reports or documents concerning your child that you want to share with the school department to assist in making these determinations and to plan for your child's educational program.

If the Section 504 Referral/Eligibility Team determines your child does not meet the definition of a student with a disability or that your child does not require a Section 504 Accommodation Plan, the school department will discuss options for your child to take full advantage of programs and activities offered by the school department.

We are required to provide you with a copy of your rights under Section 504. Enclosed is a copy of the district's Section 504 rights notification. If you have questions concerning your rights or regarding this process please contact the school at the telephone number listed at the top of this notice.

JOHNSTON PUBLIC SCHOOLS
10 Memorial Avenue
Johnston, Rhode Island 02919

Form # 3 Notice of Section 504 Disability Determination

Dear _____

On _____, the Section 504 Eligibility Team, of which you were provided an opportunity to participate as a member of, met to discuss your child's educational program and to determine if they meet the definition of an individual with a disability under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

The Section 504 Eligibility Team reviewed the following information/documents:

- | | |
|-----------------------------|----------|
| 1. Teacher reports _____ | 4. _____ |
| 2. Parent information _____ | 5. _____ |
| 3. _____ | 6. _____ |

Based on the information/documents reviewed, the Section 504 Eligibility Team reached the following determination:

1. _____ Your child does not meet the definition of an individual under Section 504 or the Americans with Disabilities Act and therefore your child is not disabled and does not require an accommodation plan to address his/her educational program. A copy of your procedural rights under Section 504 is enclosed.
2. _____ Your child has a disability and is covered/protected under § 504 of the Rehabilitation Act, in the category of:

Select one (a or b)

- a. _____ Physical impairment: _____
- b. _____ Mental impairment: _____

That substantially limits the major life activity(s) of:

If you disagree with our determination, I would be happy to meet with you to discuss your concerns.

A copy of your Section 504 Procedural Rights is enclosed. If you have any questions or wish to discuss our Section 504 rights, you may contact the school district Section 504 coordinator at (401)-_____.

Sincerely,

cc: Student Confidential File

JOHNSTON PUBLIC SCHOOLS
10 Memorial Avenue
Johnston, Rhode Island 02919

Form # 4 Notice of Parent and Student Rights under Section 504

Section 504 of 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 on the basis of disability. For eligible school aged students, this guarantees the right for disabled students to have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a school aged student who (a) has a physical or mental impairment that substantially limits a major life activity; (b) has a record of such an impairment that substantially limits a major life activity and is discriminated against based on that record; or (c) is regarded as having a physical or mental impairment which substantially limits a major life activity and is discriminated against based on being regarded as having the impairment.

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

1. You have a right to be informed by the school district of your rights under § 504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. Your child has the right to a free appropriate public 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 a right to placement in the least restrictive environment. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to an initial § 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
6. Placement decisions must be made by a group of persons (i.e., the § 504 Team), including persons knowledgeable about your child, the meaning of the evaluation data,

the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.

7. If eligible for protection under § 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.

8. 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.

9. You have the right to examine relevant records. 34 CFR 104.36.

10. 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 opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.

11. 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.

12. You have the right to file a complaint with the district's § 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.

13. You have a right to file a complaint directly with the Commissioner of Elementary and Secondary Education, Rhode Island Department of Education, Shepard Building, 255 Westminster Street, Providence, RI 02903, 401-222-8706

14. You also have a right to file a complaint with the Office of Civil Rights at: **U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, Massachusetts 02109, Telephone 617-289-0000, Fax: 617-289-0150,, TDD: 877-521-2172**

JOHNSTON PUBLIC SCHOOLS
10 Memorial Avenue
Johnston, Rhode Island 02919

Section 504 – Parental Consent for Evaluation – Form 6

Student Name _____ Date of Birth _____
Grade _____

ID# _____ School _____ Parent/Guardian

Address _____ Phone _____

The following evaluation(s) is/are proposed. Once the evaluations have been completed, we will arrange a meeting to review the results.

_____	_____
_____	_____
_____	_____

- I authorize the school district to conduct the evaluation described.
- I do not authorize the school district to conduct the evaluation described.
- I have received a copy of the Section 504 Procedural Safeguards

Signature of parent/guardian _____
Date