



## **Notice of Rights for Disabled Students and their Parents Under §504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, 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, Section 504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under Section 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. Section 504 also protects students with a record of an impairment, or students who are regarded as having an impairment from discrimination on the basis of disability. Students can be considered disabled, and can receive services under Section 504, including regular or special education and related aids and services, 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 them under Section 504. The federal regulations that implement Section 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

- 1.** You have a right to be informed about your rights under Section 504. [34 CFR 104.32] The District must provide you with written notice of your rights under Section 504 (this document represents written notice of rights as required under Section 504). If you need further explanation or clarification of any of the rights described in this Notice, contact the District’s Section 504 Coordinator, Richard Erhard, at (619) 522-8900 x 1032, or by mail at 201 Sixth Street, Coronado, CA 92118.
- 2.** Under Section 504, your child has the right to a free appropriate public education (“FAPE”) designed to meet his or her 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, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any valid obligation to provide or pay for services to a student that becomes eligible for services under Section 504. [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 the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
- 6.** The District must undertake an evaluation of any student who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement. . [34 CFR 104.35]. You have the right to refuse consent for initial evaluation.
- 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 Section 504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, statewide assessment scores, and mitigating measures, among others. [34 CFR 104.35].

**8.** Placement decisions regarding your child must be made by a group of persons (a Section 504 Team ) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement 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 Section 504, he or she has a right to periodic reevaluations. A reevaluation must take place at least every three years. [34 CFR 104.35].

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

**11.** You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under Section 504). [34 CFR 104.36].

**12.** You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under Section 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.

**13.** If you wish to contest an action taken by the Section 504 Team by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's Section 504 Coordinator at the address below. You must submit the required notice or request in writing within two years of the action or omission giving rise to your complaint. Failure to make a timely request will result in the loss of your opportunity to pursue a due process hearing on that action or omission.

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place. The District's specific procedures for a Section 504 Due Process Hearing are contained in the Section 504 Due Process Hearing Procedures. For a copy of the District's Section 504 Due Process Hearing Procedures, please contact the District's Section 504 Coordinator, listed below.

**Richard J. Erhard**  
**Assistant Superintendent for Student Services**  
**Coronado Unified School District**  
**201 Sixth Street, Coronado, CA 92118**  
**619.522.8932**

**14.** If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by seeking relief in state or federal court as allowed by law.

**15.** You also have a right to present a grievance or complaint through the District's local grievance process. The District will investigate the complaint pursuant to the appropriate District Board Policies and Administrative Regulations. Parents may contact the District's Section 504 Coordinator for more information about the District's grievance process.

**16.** You also have a right to file a complaint with the Office for Civil Rights (OCR). The address of the OCR Regional Office that covers this school district is:

Director, Office of Civil Rights  
U.S. Department of Education  
50 Beale Street, Suite 7200, San Francisco, CA 94105-1813  
415.486.5555