

**HOLDENVILLE PUBLIC SCHOOLS
NOTICE OF RIGHTS FOR DISABLED STUDENTS AND
THEIR PARENTS UNDER SECTION 504 OF THE
REHABILITATION ACT OF 1973**

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 provided to non-disabled 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. Section 504 also applies to students with a record of having a substantially limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under Section 504, even if they do not qualify for, or receive, special education services. Many students will be eligible for education services under both Section 504 and the 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. It is the purpose of this Notice form to set out the rights assured by Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

- 1.** You have the right to be informed by the school district of your rights under Section 504. (34 C.F.R. 104.32) The purpose of this document is to advise you of those rights. If you need further explanation or clarification of any of the rights described in this Notice, contact the appropriate staff at the District Office and they will assist you in understanding your rights.
- 2.** 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 C.F.R. 104.33)

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3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relived from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 C.F.R. 104.33)

4. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 104.34)

5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 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. (34 C.F.R. 104.35)

7. Testing and other evaluation procedures must comply with the requirements of Section 504 regarding test validity, proper method of administration, and appropriate test selection. (34 C.F.R. 104.35) The District will 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, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and standardized group test scores.

8. Placement decisions must be made by a group of persons 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 C.F.R. 104.35)

9. If eligible under Section 504, your child has a right to periodic re-evaluations, generally every three years. (34 C.F.R. 104.36)

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10. 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 C.F.R. 104.36)

11. You have the right to examine relevant records. (34 C.F.R. 104.36)

12. 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 C.F.R. 104.36)

13. If you wish to 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 Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's actions(s). 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.

14. If you disagree with the decision of the impartial hearing officer, you have the right to a review of that decision by a court of competent jurisdiction. (34 C.F.R. 104.36)

15. 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.

16. The 504 Coordinator for Holdenville Public Schools is the Special Education Director:

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Jean Alexander
Special Education Director
Holdenville Public Schools
210 Grimes, Holdenville, OK, 74848
405-379-3387
Email: calexander@holdenville.k12.ok.us

17. You have a right to file a complaint with the Office of Civil Rights.
The address of the Regional Office that covers Oklahoma is:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302

Telephone: 816-268-0550
FAX: 816-823-1404; TDD: 877-521-2172
Email: OCR.KansasCity@ed.gov