

Irving Independent School District

Notice of Parent and Student Rights Under Section 504 The Rehabilitation Act of 1973

Section 504 refers to Section 504 of the Rehabilitation Act of 1973. This is a federal law passed by the United States Congress to prohibit discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 ensures that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

A student is eligible for §504 services if he/she has 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. Students are protected from discrimination if they have a record of disability or are regarded as having a disability.

According to the Office of Civil Rights, the federal agency that monitors Section 504 services, each school district determines their definition for “substantially limits” a major life activity. A student may have an impairment, but not be substantially limited by that impairment and therefore would not qualify for §504 services.

Regarding learning: Section 504 services are not intended to maximize grade potential, but to give the student an equal opportunity to succeed.

A request has been made that your child be considered for possible §504 eligibility. The Campus §504 contact person will work with you to assist in this process. A 504 committee will be convened to make decisions regarding 504 eligibility and placement. The 504 committee will consist of at least three or more knowledgeable people, which may include the parent, but shall not be required to include the parent, to review data and make recommendations.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The school district must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the district's §504 office and they will assist you in understanding your rights.
2. Under §504, your child has the right to an appropriate education designed to meet his/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 existing obligation to provide or pay for services to a student that becomes eligible for services under §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 school district must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35]
7. The district will consider information from a variety of sources during the evaluation process and 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, and scores on TAKS tests, among others. [34 CFR 104.35]
8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) 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 for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will 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 §504). [34 CFR 104.36]
12. With respect to other issues surrounding your child's education including identification, evaluation, or placement, you have a right to present a complaint to the district's §504 Coordinator (or their designee), who will then investigate the situation, taking into account the nature of the complaint and all necessary factors, in an effort to arrive at a fair and speedy resolution.
13. 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 §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.

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14. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator. 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.
15. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers Texas is:

U.S. Department of Education
Office for Civil Rights
1999 Bryan Street, Suite 1620
Dallas, TX 75201
Voice Phone (214) 661-9600
Fax: (214) 661-9587
TDD (877) 521-2172

Resources:

José Martin of CESD
Richards Lindsay & Martin – Austin, TX
LLP Fall 2001 “An Overview of 504,”
CESD Fall 2007 Section 504 Conference

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