SECTION 504 PARENT
INFORMATION AND RIGHTS

INTRODUCTION
The Pickerington Local School District is committed to providing an appropriate education for each student. Some students may need classroom accommodations, different instructional methods, or even different educational settings to learn.

When a student is having academic, social, emotional or behavioral difficulties in school, the student’s parents, teachers and other staff members working together to help the student can often resolve the problems. Sometimes this is not enough. For students who have a disability, more formal intervention may be necessary.

Qualified students may be identified as having a disability, which makes them eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA). For students suspected of having a disability under IDEA, the school district’s IDEA special education policies and procedures apply and also provide compliance with Section 504 for such students.

Qualified students may also be identified as having a physical or mental impairment, which substantially limits a major life activity under Section 504 and, to the extent required by law, may be provided regular or special education and related aides and services within their regular education program.

WHAT IS SECTION 504?
Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which provides that "No otherwise qualified individual with [disabilities] in the United States shall, solely by reason of his/her 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."

WHO QUALIFIES UNDER SECTION 504?
Under Section 504, a "disabled person" means any person who has a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Major life activities include but are not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, lifting, bending, eating, sleeping, standing, sitting, breathing, working, learning, reading, thinking, communicating, interacting with others and concentrating. Major life activities also include the operation of major bodily functions including functions of the immune system, social sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions.

Students having the following specific impairments that should easily result in a conclusion that they have a substantial impairment of a major life activity: deafness, blindness, intellectual disability, partially or completely missing limbs, mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, muscular dystrophy, major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder and schizophrenia.
HOW CAN I REFER MY CHILD FOR CONSIDERATION UNDER 504?
When your child is having problems at school, the first step should be to discuss the problem with the student’s teacher(s) or guidance counselor. If the problem is not resolved, the child may be referred to the Response to Intervention Team (RTI) or building equivalent for additional ideas on classroom strategies and other appropriate intervention techniques to help resolve the problems.

Any person, including a parent, teacher, student, counselor, or any other party interested in the student’s education may refer the student as having a suspected disability at any time. Such referrals may come from the RTI team or building equivalent. A referral form is completed and a pre-referral conference is held in which staff members, and others as appropriate, knowledgeable about the student and evaluation procedures, meet to determine whether there is a suspected disability under either IDEA or Section 504. If there is a suspected disability under IDEA, the district’s IDEA special education procedures will be used. If there is a suspected disability under Section 504 only, the following procedures will be followed.

1. The parent (legal guardian) will be provided notice of information and their rights under Section 504 (i.e., this handout) and must provide consent for the initial 504 evaluation.
2. A group of persons knowledgeable about the student, the meaning of the data, and the placement options (i.e., the 504 “building team”) will gather and consider information from a variety of sources including, but not limited to, aptitude and achievement tests; teacher information and recommendations; parent information; physical condition; family history, classroom observations, previous interventions and medical information.
3. Within a reasonable period of time of receiving consent, (generally within 60 calendar days) the 504 building team will determine eligibility under Section 504 based upon whether the student is found to be exhibiting a physical or mental impairment that is substantially limiting one or more major life activities. Whether a student is disabled must be made without considering any mitigating measures used by the student. Mitigating measures include reasonable accommodations and other measures that may be used to address a disability. Examples include, but are not limited to equipment, medication, amplification devices, reasonable accommodations or auxiliary aide or services, and learned behavior modifications.
4. If the student is determined to be disabled under Section 504, then a 504 Plan may be developed involving staff members, parents, and when appropriate, the student. This plan may provide for the provision of regular or special education and related aids and services that are designed to meet the individual needs of the disabled student as adequately as the needs of nondisabled students are met. The student’s plan will also include a date for annual review. At the time that a student is determined eligible for Section 504 Services, parents shall be provided a copy of their information and rights.
5. If the student does not meet eligibility under Section 504, a plan does not have to be developed. In this case, a parent conference will be held to discuss the evaluation data, the criteria, and alternative plans to deal with the student’s needs and/or parental concerns. At the time a student is determined ineligible for Section 504 services, parents shall be provided a copy of their information and rights.
6. With respect to any student identified with a disability under Section 504, a reevaluation may occur at periodic intervals or as conditions warrant, and before any significant change in placement, which shall include those that arise in the disciplinary context.

WHAT TYPES OF EDUCATION SERVICES, RELATED AIDS AND SERVICES, AND ACCOMMODATIONS CAN BE MADE UNDER SECTION 504?
Section 504 services must be realistic in the expectancies they place upon the student and classroom teacher. Such services need to take into account both the functional limitations of the individual and
the alternative methods of performing tasks/activities, which would permit people of varying abilities to participate adequately as those without disabilities.

RIGHTS AFFORDED BY SECTION 504 OF THE REHABILITATION ACT OF 1973

It should be noted that Section 504 does not require a school district to carry out a full evaluation simply because a parent requests one. If a district refuses to do an evaluation, it must provide the parents with a copy of their information and rights (i.e., procedural safeguards).

As a parent, you have the right to:
1. Have your child receive a free, appropriate public education;
2. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
3. Have the school district notify you of your rights under federal law;
4. Receive notice with respect to identification, evaluation, or placement of your child;
5. Have your child receive services and be educated with peers without disabilities to the maximum extent appropriate to their needs;
6. Have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know the student and who are knowledgeable about the evaluation data and placement options;
7. Have the right to request periodic reviews and reevaluations before mandatory scheduled timelines.
8. Have the evaluation data collected be accurate, valid, and non-discriminatory;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, and placement; and
11. Mediation to resolve any complaints or concerns that you may have about your child’s evaluation or 504 Plan. You may request in writing:
   A. A conference with members of the 504 building team;
   B. A conference with the building principal
   C. An impartial hearing, that includes the right to be represented by counsel.
12. Be notified of District’s established grievance procedures including the option of filing a complaint with the Office of Civil Rights at any time during a dispute.