



SECTION 504: PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act were designed to eliminate discrimination on the basis of disability. To that end, Section 504 provides, in pertinent part, as follows:

No otherwise qualified individual with a disability in the United States . . . 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.

Similarly, Title II of the ADA provides that:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

A disabled person under Section 504/Title II is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities.

Parents/guardian of students who are suspected of or identified with a disability under the Individuals with Disabilities Education Act are provided with copies of the IDEA Procedural Safeguards unless those students have a separately identified 504/Title II disability that is not addressed through an individual education plan (IEP).

STUDENT RIGHTS UNDER SECTION 504/TITLE II:

A student with a disability has the right to:

- be informed by the School District of their rights under Section 504/Title II. The purpose of these Procedural Safeguards is to advise you of those rights.
- receive a free appropriate public education (FAPE).
 - An appropriate education is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the disabled person as adequately as the needs of nondisabled persons are met and are based upon adherence to 504 regulatory procedures. Although a student's disability status must be determined without regard to the ameliorative effect of mitigating measures, the use of mitigating measures remains relevant in evaluating a disabled student's need for special education or related services. If, as a result of a properly conducted evaluation, the district determines that a student does not need special education or related services, the district is not required to provide aids or services. The student is still a person with a disability and remains protected by the general nondiscrimination provisions of Section 504 and Title II. (*Dear Colleague Letter* (OCR Jan. 19, 2012)).
 - The provision of a free education is the provision of educational and related services without cost to the disabled person or to his or her parents or guardian, except for those fees that are imposed on nondisabled persons or their parents or guardian. Funds available from any public or private agency may be used to meet this requirement. Under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.



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A student with a disability has the right to:

- take part in, and receive benefits from, public education programs without discrimination because of his/her disability.
- receive services and be educated in facilities that are comparable to those provided to nondisabled students.
- have evaluation, education and placement decisions made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.
- have an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- have transportation provided to and from an alternative placement setting (if the setting is in a program not operated by the District) at no greater cost to the parent/guardian than would be incurred if the student were placed in a program operated by the District.

PARENTS, GUARDIANS, or MAJORITY AGE STUDENTS' RIGHTS UNDER SECTION 504/TITLE II

Parents/guardians of a student with a disability, or majority age students, have the right to:

- be informed by the School District of their rights under Section 504/Title II. The purpose of these Procedural Safeguards is to advise you of those rights.
- receive notice with respect to the identification, evaluation, or placement of the child.
- submit a complaint/local grievance with the District for issues related and/or unrelated to the identification, evaluation, program or placement of District students, preschool – grade 12. Board [Policy 2674](#) describes the procedures for filing a grievance.
- request and participate in an impartial due process hearing by an appointed hearing officer for issues relating to decisions or actions regarding a student's identification, evaluation, program or placement. A written Notice of Appeal, see attached form, should be submitted to the Superintendent of Schools, Rockwood School District, 111 E. North Street, Eureka, MO 63025.
 - Parents/guardians or majority age students have the right to be represented by counsel in such hearings. The parents/guardians/eligible students and/or the District also have the right to a review procedure involving such hearings. The procedures for requesting an impartial due process hearing and the relevant review procedures are described in Board [Policy 2674](#).



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Board [Policy 2674](#) describes the procedures for filing a local grievance or requesting an impartial due process hearing and can be requested by contacting:

Dr. Dave Cobb
Executive Director Elementary Education
Rockwood Administrative Center
111 E. North St.
Eureka, MO 63025
636-733-2105

Persons who believe that the District is discriminating against eligible persons on the basis of disability may also file complaints with the District's Section 504 Coordinator and/or the Office for Civil Rights. For a list of regional OCR offices, see www.ed.gov.

The District's Section 504 Coordinator, Dr. Jamie Smith, may be reached at 636-733-2153.



**NOTICE OF APPEAL
REQUEST FOR A DISTRICT MEDIATION MEETING OR IMPARTIAL DUE
PROCESS HEARING UNDER SECTION 504/TITLE II**

Student's Name: _____ Date: _____

Parent/Guardian Name: _____

Address: _____

Phone Number: _____ Email: _____

I am in disagreement with the following decisions made by the District pertaining to my child's identification/evaluation/educational placement under Section 504/Title II:

Please describe the facts and circumstances giving rise to the disagreement: (Please state the background leading to the disagreement and why you disagree with the multidisciplinary team's decision(s):

Please state the specific issues to be decided through this Notice of Appeal:

Please state the method in which you would prefer this disagreement to be handled through:

- District investigation and meeting between the district designee and parent/guardian/eligible student, OR
- Formal due process hearing

Please describe the relief you are requesting through (what result you would like provided, if the district designee/hearing officer decides in your favor?):

Signature of parent/guardian/eligible student

Date of Signature