

*You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.*

## WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

## YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

## YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

## THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

## IF YOU DISAGREE WITH THE DISTRICT'S DECISION

If you disagree with the district's decisions regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district's Section 504 Coordinator:

Dr. Kathy Talbert, Executive Director  
136 W. Purnell Street  
Lewisville, Texas 75057  
[(469) 713-5203  
[talbertk@lisd.net](mailto:talbertk@lisd.net)

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099. Phone: 206-607-1600/TDD: 206-607-1647 Website: [www.ed.gov/OCR](http://www.ed.gov/OCR).

# **Notice of Rights**

## **Under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act**

### **Section 504 Students with Disabilities**

No qualified student with a disability shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District service, program or activity. 42 U.S.C. 12132; 29 U.S.C. 794; 34 CFR §104.4(a)

A student with a disability is one who has, or who has a record of having, or who is regarded as having a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A student with a disability is qualified if he or she is between the ages of three and twenty one, inclusive. 28 CFR§35.104; 34 CFR§104.3 (j)(k)

### **Referrals**

Students may be referred by parents, teachers, counselors, administrators or any other District employee for evaluation to determine if they are disabled and in need of special education instruction or services.

### **Eligibility**

An eligible student is a student who (a) has, (b) has a record of having, or is regarded as having, a physical or mental impairment which substantially limits a major life activity. Unless a student actually has a disability, the mere fact he/she has a record of or is regarded as disabled is insufficient by itself to trigger those Section 504 protections that require special treatment.

### **Evaluation**

The District shall conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action regarding the initial placement of the student in a regular special education program and before any subsequent significant change in placement. Consent is required before initial evaluation (Durheim Letter, December, 1997). The tests and other evaluation materials shall meet the standards established by 34 CFR§104.35(b); 34 CFR§104.35(a)(B).

### **Placement**

In interpreting evaluation information and making placement decisions, the District shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior.
2. Establish procedures to insure that such information is documented and carefully considered.
3. Ensure that placement decisions are made by a group of persons, including those knowledgeable about the student, the meaning of evaluation data and placement options. 34 CFR 104.35

### **Section 504 Campus Committee**

The campus 504 Committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, or placement of a student with a disability. Those safeguards shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parent or guardian, and representation by counsel and a review procedure. 34 CFR104.36 (Board Policy FB Legal)

### **Procedural Safeguards**

The District shall establish procedural safeguards for students and parents with concerns about District actions regarding the identification, evaluation, or placement of a student with a disability. Those safeguards shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parent or guardian and representation by counsel and a review procedure. 34 CFR§104.36

### **Notice to Parents**

The Section 504 Campus Coordinator shall notify parents prior to an individual evaluation to determine if their child is disabled and/or to determine what educational or related services should be provided to the student. Parents shall also be given written notice of the District's refusal to evaluate a student or to provide specific aids and service the parents have requested.

### **Review of Records**

A parent or guardian has the right to examine relevant school records concerning their child. Record examination must be done during school hours, and reasonable notice to the appropriate school personnel must be given prior to record examination.

## **Americans with Disabilities Act of 1990 – Title II (Revised 2010)**

### **Definition**

A qualified individual with a disability is an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District. (Board Policy GA Legal)

### **Reasonable Modification**

The district shall make reasonable modifications in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity. (Board Policy GA Legal)

## **Due Process Rights**

In the event of a disagreement between the parent or guardian and the school district in regard to the identification, evaluation or educational placement of a student with disabilities, the parent has a right to file an appeal requesting an in-district administrative investigation or an impartial hearing. You may also file a complaint with Region VI of the Office of Civil Rights in Dallas.

The appeal should be filed within thirty (30) calendar days from the event in which there is a disagreement. The Parent Written Notice of Appeal form may be obtained from the Campus 504 Coordinator. When completed the Parent must submit the form to the District 504 Coordinator. Upon receiving the Parent Written Notice of Appeal, the District will respond within forty-five (45) calendar days.

## **Investigation**

If the parent is requesting an administrative investigation, the District 504 Coordinator/ Designee will investigate the parent's concerns and will discuss the outcome of the investigation with the parent and the campus. A conference with the parent and the campus is recommended to resolve the disagreement.

## **Hearing**

The parent who files for an impartial hearing will have the opportunity to participate and be represented by an individual of their choice including an attorney at their expense.

The District will schedule the hearing before an impartial hearing officer who is knowledgeable about the requirements of Section 504/Title II, and who is not employed by the District or related to a member of the school board in a degree that would be prohibited under the nepotism statute. The hearing officer does not have to be an attorney.

The parents will be provided a written notice of the hearing which will include the time, date and place of the hearing.

The District requires that the 504/Title II hearing be conducted in an informal and nonadversarial manner. Participants are allowed to ask follow up questions or get clarification when necessary. The Rules of Evidence and Procedures will not apply.

The District will make an audiotape of the complete hearing and no written transcript is required. The parent may obtain a copy of the audiotape at a small cost per tape.

The hearing officer will render a brief written decision at the conclusion of the hearing. No written findings of fact or conclusion of law shall be required of the hearing officer. If the parent disagrees with the decision of the impartial hearing officer, they may seek a review of the decision by a court of competent jurisdiction.

The mediator or hearing officer is paid by the District as an independent contractor.

The District assures a parent who requests an investigation, mediation or impartial hearing that neither the parent nor the student will be subjected to retaliation.

### **Section 504 Coordinator and ADA Coordinator**

The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended and Title II of the Americans with Disabilities Act of 1990 as amended. For any person having inquiries concerning student services, appeals or impartial hearing, contact:

Name: Kathy Talbert, Ph.D.  
Position: Executive Director of Special Education / 504 Coordinator  
Address: 136 W. Purnell St.  
Lewisville, TX 75057  
Telephone: 469-713-5203

**For any person having 504 inquiries concerning personnel, contact LISD Department of Human Resource Services.**

**For any person having ADA inquiries concerning students, contact the LISD Special Education Office**

The Section 504 Coordinator and members of the 504 Committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who are disabled, but are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA).