

**ARLINGTON PUBLIC SCHOOLS
SECTION 504 ELIGIBILITY DETERMINATION**

Name of Student:

Address:

School:

Current Grade:

Date of Birth:

Meeting Date:

Participants in Meeting:

Evaluative data considered at meeting:

Student's Impairment:

Does the impairment substantially limit a major life activity? If so which life activity?

SECTION 504 ACCOMMODATIONS and/or SERVICES

Necessary Accommodations and/or Services:

**Parent received notice of 504 plan
and a copy of Parent Rights.**

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a federal statute that provides that “no otherwise qualified individual with a disability ... shall, solely by reason of his or 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.” Under Section 504, an “individual with a disability” is a person (1) who has a physical or mental impairment (2) which substantially limits (3) one or more major life activities of such individual. Section 504 also protects from disability discrimination those individuals who have a record of an impairment or who are regarded as having an impairment.

The regulations implementing Section 504 are found in 34 CFR 104 and provide the following rights in order to eliminate disability discrimination:

- As noted above, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance. 34 CFR 104.4(a).
- An “individual with a disability” has a right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33
- An “individual with a disability” 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 relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33
- An “individual with a disability” has the right to be educated with non-disabled persons to the maximum extent appropriate to the needs of the disabled student. 34 CFR 104.34
- An “individual with a disability” has the right to participate in non-academic and extracurricular activities offered by the school district to the maximum extent appropriate to the needs of the disabled student. 34 CFR 104.34
- An “individual with a disability” has the right to have transportation provided to and from an alternative placement setting, determined by the school district, at no greater cost to you than would be incurred if the student were placed in a program operated by the district. 34 CFR 104.33
- If the school district operates a facility that is identifiable as being for

disabled students, the facility, services and activities must be comparable to the other facilities, services, and activities of the school district. 34 CFR 104.34

- An “individual with a disability” has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35
 - Section 504 requires that testing and other evaluation procedures conform with the requirements of 34 CFR 104.35 with regard to validation, administration, areas of evaluation, etc. In interpreting evaluation data and in making placement decisions, the district shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 CFR 104.35
 - Placement decisions must be made by a group of persons, including persons knowledgeable about the “individual with a disability,” the meaning of the evaluation data, the placement options, and the legal requirements with respect to least restrictive environment and comparable facilities. 34 CFR 104.35
 - An “individual with a disability” has a right to a periodic re-evaluation, generally once every three years. 34 CFR 104.35
 - The parent of an “individual with a disability” has a right to receive notice with respect to the identification, evaluation, or placement of his/her child. 34 CFR 104.36
 - The parent of an “individual with a disability” has the right to examine relevant records. 34 CFR 104.36
- A complaint of disability-based discrimination or harassment may be made to the school district’s Section 504 Coordinator, who will investigate the complaint. The school district’s Section 504 Coordinator is Cindy Bouvier, who may be reached at 781-316-3570.
 - A parent who disagrees with the Section 504 team’s decision with regard to his/her child’s identification, evaluation, or educational placement may file a grievance with the school district’s Section 504 Coordinator.
 - A parent of an “individual with a disability” may request that the Massachusetts Bureau of Special Education Appeals schedule a due process hearing on any issue involving the denial of a free appropriate public education guaranteed by Section 504 as well as any other issue within the BSEA’s jurisdiction. When the BSEA conducts a hearing, the parent has the opportunity to participate in the hearing and to be

represented by an attorney, at the parent's expense. 34 CFR 104.36 The contact information for the BSEA is:

Division of Administrative Law Appeals
MA Bureau of Special Education Appeals
75 Pleasant Street
Malden, MA 02148-4906
(781) 338-6407

If you disagree with the decision of the BSEA's impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36

- A parent of an "individual with a disability" also has a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers Massachusetts:

Office for Civil Rights, Region I
U.S. Department of Education
33 Arch St., Suite 900
Boston, MA 02110

1/25/2012