

Notice of Parent and Student Rights

The Rehabilitation Act of 1973, commonly referred to as "§504", is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under §504 is a student who (a) has, (b) has had a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as walking, seeing, hearing, breathing, learning, standing, lifting, bending, speaking, communicating, sleeping and caring for oneself.

Some students will be eligible for educational services under both §504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under §504. It is the purpose of this notice to enumerate the rights assured by §504 to those disabled students who do not qualify under the IDEA.

The Board of Education complies with all applicable federal, state, and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, or the discrimination against applicants or employees in decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination because of disability.

The enabling regulations for §504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights to:

1. Have the school district advise you of your rights under §504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
3. Have your child have access to facilities, services, and activities that are comparable to those provided for nondisabled students. 34 CFR 104.34.
4. Have the school district advise you by notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
5. Have your child receive an evaluation prior to an initial §504 placement and any subsequent significant change in placement. 34 CFR 104.35.
6. Have your child receive testing and other evaluation procedures that conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations anecdotal reports, and standardized testing scores. 34 CFR 104.35.

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7. Have the school district advise you that placement decisions must be made by a group of persons (Le., the §504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. *34 CFR 104.35*
8. If eligible under §504, have your child receive periodic reevaluations, generally every three years. *34 CFR 104.35*
9. Have the school district advise you of the right to examine records relating to your child's educational program, including records relating to identification, evaluation, and placement. *34 CFR 104.36*
10. Have the school district advise you of the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Have the school district advise you of the right to a response from the school district to reasonable request for explanations and interpretations of your child's records.
12. Have the school district advise you of the right to request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing. This hearing will be according to the Family Educational Rights and Privacy Act ("FERPA").
13. Have the school district advise you that if you wish to contest the actions of Southington Public Schools in regard to your child's identification, evaluation, or educational placement under §504, you may file a grievance. You also have the right to file a local grievance to resolve complaints of discrimination other than those involving identification, evaluation or placement of the student. Southington Public Schools offer a district level grievance procedure that provides for the prompt and equitable solution of disputes regarding §504. The complainant must submit the grievance in writing on the proper form. Grievance forms and procedures are available at each school and the superintendent's office. The form must be submitted to the §504 coordinator at the following address: **Ms. Margaret Walsh; Section 504 Coordinator, 200 North Main Street; Southington, CT 06489; (860) 628-3200, ext. 210.**
14. Have the school district advise you of the right to request mediation, an impartial hearing, or an appeal related to decisions or actions regarding your child's identification, evaluation, educational program or placement. The cost for mediation and/or the hearing are borne by the school district. You and the student may take part in the hearing and have an attorney represent you at your expense. If you ultimately prevail on the issues raised at the hearing, you may be entitled to payment of all or part of your attorneys' fees.
15. Have the school district advise you of the right to initiate the hearing process by filing a written request for a hearing with the Superintendent of Schools indicating the specific areas of this agreement and the remedy that you are requesting. Any such request should be filed within forty-five (45) days of the action or decision with which you disagree. You have the right to file a court action if you are dissatisfied with the hearing decision.
16. Have the school district advise you of the right to file a complaint with the: **Office of Civil Rights/ED, 8th Floor; 5 Post Office Square, Suite 900, Boston, MA 02109-392; Phone: (617) 289-0111; Fax: (617) 289-0150.**