

**AUSTIN INDEPENDENT SCHOOL DISTRICT
NOTICE OF PARENT AND STUDENT RIGHTS
UNDER §504 of the REHABILITATION ACT of 1973**

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that students with disabilities 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 a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under §504. An *Explanation of Procedural Safeguards* prepared by the Texas Education Agency is available through the school district's Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by §504 to those disabled students who do not qualify under the IDEA.

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

1. You have a right to be informed by the school district of your rights under §504. (The purpose of this Notice form is to advise you of those rights.) *34 CFR 104.32.*
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. *34 CFR 104.33*
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled 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.*
4. Your child has a right to placement in the least restrictive environment. *34 CFR 104.34.*
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. *34 CFR 104.34.*
6. Your child has a right to an evaluation prior to an initial §504 placement and any subsequent significant change in placement. *34 CFR 104.35.* You have the right to refuse consent for the initial evaluation.

7. Testing and other evaluation procedures must 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 and adaptive behavior. *34 CFR 104.35.*
8. Placement decisions must be made by a group of persons 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*
9. If eligible under §504, your child has a right to periodic reevaluations, generally every three years. *34 CFR 104.35.*
10. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. *34 CFR 104.36.*
11. You have the right to examine relevant records (generally documents relating to identification, evaluation, and placement of your child). *34 CFR 104.36.*
12. You have the right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. *34 CFR 104.36.*
13. If you wish to challenge the actions of the school's §504 Committee, by means of an impartial hearing, you must file a written Notice of Appeal with the District's §504 Coordinator (4000 S IH 35 Frontage Road, 5th Floor, Austin, TX 78704) within one year from the §504 Committee's action(s) or omission. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing. If you disagree with the decision of the hearing officer, you have the right to seek a review of the decision by making a request to the District's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.
14. You also have a right to file a complaint via the District's local grievance process. The District will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution. You may contact the District's Section 504 Coordinator for more information about the District's grievance process.
15. You also have a right to file a complaint with the Office of Civil Rights of the Department of Education. The address of the Regional Office which covers Texas is:

Director, Office for Civil Rights, Region VI
1999 Bryan Street, Suite 1620, Dallas, Texas 75201-6810,
Tel. 214-661-9600