



**Baldwin County Public School System
Section 504 of the Rehabilitation Act**

**Notice of Rights and Procedural Safeguards
for Disabled Students and Their Parents
Under Section 504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly known in the schools as Section 504, is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, Section 504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under Section 504, a student is considered *disabled* if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities. Section 504 also protects students with a record of impairment, or, who are regarded as having an impairment, from discrimination on the basis of disability. Students can be considered disabled, and can receive services under Section 504, including regular or special education and related aids and services, even if they do not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to inform parents and students of the rights granted them under Section 504. The federal regulations that implement Section 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR), and entitle eligible students and their parents to the following rights:

1. You have a right to be informed about your rights under Section 504. [34 CFR 104.32] The Baldwin County School System must provide you with written notice of your rights under Section 504 (this document represents written notice of rights as required under Section 504). If you need further explanation or clarification of any of the rights described in this notice, contact appropriate staff persons at the Baldwin County School System's Section 504 Office, and they will assist you in understanding your rights.
2. Under Section 504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33] You have the right to refuse consent for services at any time.
3. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under Section 504. [34 CFR 104.33]

4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the Baldwin County School System demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34]
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34]
6. The Baldwin County School System must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under Section 504, and also before every subsequent significant change in placement. [34 CFR 104.35] You have the right to refuse consent for initial evaluation.
7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of Section 504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35] The Baldwin County School System will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, stateside assessment scores, and mitigating measures, among others. [34 CFR 104.35]
8. Placement decision regarding your child must be made by a group of persons (a Section 504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35]
9. If your child is eligible under Section 504, he or she has a right to periodic re-evaluations. A re-evaluation must take place at least every three years. [34 CFR 104.35]
10. You have the right to be notified by the Baldwin County School System prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under Section 504). [34 CFR 104.36]
12. You have the right to an impartial due process hearing if you wish to contest any action of the Baldwin County School System with regard to your child's identification, evaluation, or placement under Section 504. [34 CFR 104.36] You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
13. If you wish to contest an action taken by the Section 504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the Baldwin County School System's Section 504 Coordinator. You must submit the required notice or request

in writing within 30 calendar days of the action or omission giving rise to your complaint. Failure to make a timely request will result in the loss of your opportunity to pursue a due process hearing on that action or omission. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by making a written request to the Baldwin County School System's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.
15. You also have the right to present a grievance or complaint through the Baldwin County School System's local grievance process. The Baldwin County School System will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time. Parents may contact the Baldwin County School System's Section 504 Coordinator for more information about the school system's grievance process.
16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers the Baldwin County School System is **United States Department of Education, Region IV, 61 Forsyth Street SW, Ste. 19T10, Atlanta, GA 30303. Telephone: (800) 368-1019.**

Parent/Guardian Signature

Date