

SHELTON PUBLIC SCHOOLS

NOTICE OF PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, AND PLACEMENT UNDER SECTION 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 disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 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.

Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA) but entitlement to services under the IDEA or other statutes is not required to receive services under Section 504.

- A. The following is a description of the rights and options granted by federal law to students with disabilities (handicaps). The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:**
- 1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition.**
 - 2. Have the school district advise you of your rights and options under federal law.**
 - 3. Receive notice with respect to identification, evaluation, or placement of your child.**

- 4. 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.**
- 5. Have your child educated in facilities and receive services comparable to those provided to nondisabled students.**
- 6. Have your child receive special education or related services and/or general education intervention/modifications.**
- 7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data, and placement options.**
- 8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.**
- 9. Have your child given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.**
- 10. Examine records relating to your child's educational program, including records relating to identification, evaluation and placement.**
- 11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records. State law provides that you are entitled to receive one free copy of your child's records.**
- 12. A response from the school district to reasonable requests for explanations and interpretations of your child's records.**

- 13. 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).**
 - 14. Request mediation, an impartial hearing, or appeal related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. The costs for mediation and/or the hearing are borne by the local 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. Initiate the hearing process by filing a written request for a hearing with Freeman Burr, Superintendent of Schools, indicating the specific areas of disagreement and the remedy that you are requesting. Any such requests should be filed within 45 days of the action of decision with which you disagree.**
 - 16. File a court action if you are dissatisfied with the hearing decision.**
 - 17. File a local grievance to resolve complaints of discrimination other than those involving the identification, evaluation or placement of a student.**
- B. The person in this district who is responsible for assuring that the district complies with Section 504 and the Americans with Disabilities Act (ADA) is:**

Elizabeth Wesolowski, Ed.D.

504 Coordinator

382 Long Hill Avenue

Shelton, CT 06484

Telephone: 924-1023 ext. 340

C. Organizations and agencies which you may contact to obtain assistance with evaluation/placement questions include, but are not limited to, the following:

1. Federal

**Office of Civil Rights
Boston Regional Office Telephone: (617) 223-9662**

2. State

**Department of Education
Bureau of Special Education
and Pupil Services Telephone: (860) 807-2018**

3. Low-Cost Legal Services

**Legal Assistance
30 Elizabeth Street
Derby, CT 06418 Telephone: (203) 736-5427**

D. You also may file a complaint with the Office of Civil Rights, John W. McCormick, Post Office and Court House Building, 2nd Floor, Post Office Square, Boston, Ma. 02109. Any such complaints must be filed within 180 days of the possible act of discrimination.

Revised 1/8/14