

**NOTICE OF PARENT AND STUDENT RIGHTS  
UNDER SECTION 504, THE REHABILITATION ACT OF 1973**

Mahopac Central School District

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.

Dual Eligibility

Many students will be eligible for educational service under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have certain specific rights that are not available to students who are eligible solely under Section 504 (A Parents Guide to Special Education, prepared by the New York State Education Department, sets out the rights assured by the IDEA and is available through the school district's Special Education Department). It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA.

The Regulations

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

1. You have the right to be informed by the school district of your rights under Section 504. The purpose of this notice 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 services where fees 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 be educated and to participate in activities and services with students who are not disabled to the maximum extent appropriate (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 Section 504 placement/accommodation and prior to any subsequent significant change in placement/accommodation (34 CFR 104.34).

7. Testing and other evaluation procedures must conform to 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 conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports (34 CFR 104.35).
8. Placement/accommodation 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 the least restrictive environment and comparable facilities (34 CFR 104.35).
9. If eligible under Section 504, your child has a right to periodic reevaluation, generally every three years (34 CFR 104.35).
10. You have the right to notice prior to any action by the district with regard to the identification, evaluation or placement of your child (34 CFR 104.36).
11. You have the right to examine relevant records (34 CFR 104.36).
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, educational placement or accommodation, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 14 days from the time you receive written notice of the Section 504 Committee's actions(s). A hearing will be scheduled before an impartial hearing officer. You will be notified in writing of the date, time, and place for the hearing. You have the right to participate in the hearing and be represented by counsel (34 CFR 104.36).
13. The Impartial Hearing Office is Dr. Robert J. Reidy, Jr., Superintendent, or his designee.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction (34 CFR 104.36).
15. Complaints of discrimination based on disability may be filed with:  
United States Department of Education  
Office for Civil Rights – Region II  
32 Old Slip – 26<sup>th</sup> Floor  
New York, NY 10005  
(646) 428-3900
16. If you wish to file a complaint or grievance on Section 504 matters, other than your child's identification, evaluation, educational placement or accommodation, these complaints or grievances shall be addressed under the Mahopac Central School District Board Policy 5030, Student Complaints and Grievances.

Cross-ref: 4321, Programs for Students with Disabilities  
5030, Student Complaints and Grievances

Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504)  
34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC, 1400 et seq. (IDEA)  
Education Law §§4401 et seq. (Article 89)  
8 NYCRR Part 200

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