

RCPS Notice of Parent/Student Educational Rights Under Section 504

If it is determined that a student has a physical or mental impairment that substantially limits a major life activity and, as a result, requires instructional or other appropriate accommodations within the school environment, that student is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if a student does not have a disability but has a record of a disability or is considered disabled by school personnel, that student is protected from discrimination under Section 504. If a child is disabled or a parent believes that his or her child is disabled or has been discriminated against because of a disability, that parent is entitled to certain rights. This notice is designed to provide RCPS parents and students with information about those rights.

Under Section 504, a student has the right to:

1. Participate in all school activities without discrimination solely on the basis of disability;
2. Be educated in facilities and receive services that are comparable to those provided to non-disabled students;
3. Receive a Free Appropriate Public Education (FAPE);
 - *Free* –
 - A student is entitled to the provision of a free education and education related services without cost to the disabled person or to his or her parents or guardian, except for those fees that are imposed on nondisabled persons or their parents or guardian.
 - Further, a student with a disability has the right to have transportation provided to and from an alternative placement setting (if the setting is in a program not operated by the District) at no greater cost to the parent/guardian than would be incurred if the student were placed in a program operated by the District.
 - Funds available from any public or private agency may be used to meet this requirement. Under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.
 - *Appropriate* –
 - A student is entitled to regular and special education and related services designed to meet that student's educational needs as adequately as the needs of non-handicapped, non-disabled students are met. If it is determined that a student is eligible for special education, special educational services will be provided under the Individuals with Disabilities Education Act (IDEA) through an Individualized Education Plan (IEP). If it is determined that a student is eligible for accommodations under Section 504, the accommodations will be provided under a Section 504 Plan.
4. A student with a disability has the right to have evaluation, education and placement decisions made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.

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5. A student with a disability may not be discriminated against based solely on the basis of disability with regard to the opportunity to compete for participation in nonacademic and extracurricular activities offered by the District.

With respect to the provision of educational services under Section 504, a parent has the right to:

1. Notice with respect to actions regarding the identification/eligibility, evaluation or educational placement for your child;
2. Access all records relevant to decisions concerning identification/eligibility, evaluation or educational placement of your child;
3. Challenge any action regarding the identification/eligibility, evaluation or educational placement of your child by requesting mediation and/or an impartial hearing;
 - The procedures and forms for the initiation of an impartial hearing regarding the identification, eligibility, evaluation or educational placement of your child may be obtained from the District's Section 504 Coordinator or your child's principal.
4. Participate in any hearing requested;
5. Be represented by counsel at the requested hearing; and
6. Have any decision made at the hearing reviewed by a competent court.
7. With regard to disability discrimination or any other disability issue unrelated to the identification/eligibility, evaluation or placement of the student, a parent has the right to file a local grievance with the District in accordance with Board Policy JCA. Board Policy JCA may be obtained from the school District's website, or from the District's Section 504 Coordinator or your child's principal.
8. The District may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under Section 504 of the Rehabilitation Act of 1973. If a parent contends that he or she is or has been retaliated against because of his or her child's disability or because of asserting any rights under Section 504, that parent should notify the District's Section 504 Coordinator listed below.
9. If a parent believes the school district has not acted in compliance with the law, that parent has the right to file a complaint with the Office of Civil Rights at U.S. Department of Education, 61 Forsyth Street SW, Suite 3B70, Atlanta, GA 30303-8927.

If you think your rights or the rights of your child have been violated, you may contact the Section 504 Coordinator for the Rockdale County School District, April Fallon, at 1143 West Avenue, Conyers, Georgia 30012, for all complaint procedures and forms or at (770) 860-4242 if you have any questions or concerns.