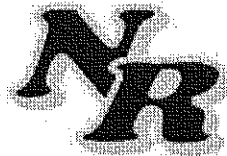


NORTH ROYALTON CITY SCHOOLS



*"We Inspire and
Empower Learners"*

Section 504/ADA

Procedural Information and Rights

6579 Royalton Road

North Royalton, Ohio 44133

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008, is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states: *"No otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."* Since the North Royalton School District is a recipient of federal dollars, we are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by our schools. Section 504 is a civil rights statute and not a funding statute.

HOW CAN I REFER MY CHILD TO DETERMINE 504 ELIGIBILITY?

If you suspect that your child is “disabled” under Section 504/ADA, contact your child’s teacher, school counselor or building principal. You will be asked to complete a referral form and grant consent for a 504 evaluation. After the evaluation is completed a meeting will be scheduled to determine if your child has a “disability.” You have the right to meaningfully participate in the process and provide input even if you cannot attend the meeting in person.

WHAT IS THE DIFFERENCE BETWEEN SECTION 504 AND THE IDEIA?

Section 504 prohibits discrimination against students with disabilities and requires school districts to provide students with disabilities regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 Plan.

IDEIA requires districts to provide disabled students (ages 3 through 21) with special education and related services and supplementary aids and services designed to meet their unique needs and prepare them for further education, employment, and independent living. The special education and related services must be delineated in an individualized education program (IEP).

PROCEDURAL INFORMATION AND RIGHTS

Below is a description of the rights granted by federal law to individuals with disabilities. It is the intent of the District, pursuant to Section 504, 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.

1. Students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities.
2. Parents have the right to be advised of their rights under Section 504.
3. Parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child.
4. Parents have the right to have his/her child receive a free appropriate public education ("FAPE"). This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met.
5. Parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities.
6. Parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options.
7. Parents have the right to have their child transported in a non-discriminatory manner. If the District refers a student for aids, benefits, or services outside the District, adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services were provided within the District.

8. Parents have the right to have their child in a private school or alternative educational program. However, if the District makes FAPE available to the student that conforms to the requirements of Section 504 and nevertheless the parents choose to place the student elsewhere, the District is not required to pay for the student's education at the private school or alternative educational program, including any costs associated with transportation.
9. Parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
10. Parents have the right to examine all relevant education records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement.
11. Parents have the right to obtain at their own expense, an independent educational evaluation of their child.
12. Parents have the right to obtain copies of education records at a reasonable cost unless the fee would effectively deny the parents access to the records.
13. Parents have the right to a response from the District to reasonable requests for explanations and interpretations of their child's education records.
14. Parents have the right to receive all information in the parent's native language and mode of communication.
15. Parents have the right to periodic reevaluations and an evaluation before any significant change in program/ service modifications.
16. Parents have the right to request amendments of their child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child. If the District refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record(s) a statement of why they disagree with the information it contains.
17. Parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement.

18. Parents have the right to file an internal complaint.
19. Parents have the right to be represented at any point in the process by an attorney.
20. Parents may have the right to recover reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim).
21. Parents have the right to be notified of their Section 504 rights: when evaluations are conducted; when eligibility is determined; when a Section 504 Plan is developed; and before there is a significant change in the Plan.

Complaints, including complaints of disability-based harassment and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with the District's Compliance Officer:

Julie Bogden
Director of Pupil Services
6579 Royalton Road
North Royalton, Ohio 44133
440.582.9140
julie.bogden@northroyaltonsd.org

Alternatively, parents/guardians and students may submit his/her/their complaint directly to:

Office for Civil Rights, Cleveland Office
U.S. Department of Education
Bank One Center, Suite 750
600 Superior Avenue East
Cleveland, OH 44114-2611
(216) 522-4970
FAX (216) 522-2573
TDD (216) 522-4944

WHAT CRITERIA ARE USED TO DETERMINE 504 ELIGIBILITY?

A student qualifies for Section 504 protection, if he/she is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based on disability.

Major life activities include but are not limited to functions such as (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Additional information about Section 504/ADA can also be found at www.northroyaltionsd.org under the Pupil Services link or by calling the 504/ADA District Compliance Officer at 440.582.9140.