

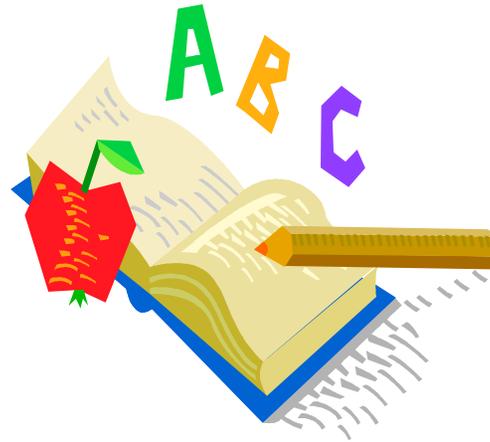
What Procedural Safeguards do parents have?

The following is a description of the rights granted by federal law to students with disabilities.

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. Receive notice with respect to identification, evaluation or placement of your child;
3. Have your child receive free appropriate public education in the least restrictive environment;
4. Have your child receive services and be educated in facilities which are comparable to those provided to non-disabled students;
5. Have your child received special education and related services if your child is found to be eligible under the Individual with Disabilities Education Act or a Free Appropriate Public Education (FAPE) if eligible under Section 504 or the Rehabilitation Act;
6. Have evaluation, educational and placement decisions made based on a variety of information sources using valid tests and other evaluation materials designed to assess specific areas of need and by person who know the student and who are knowledgeable about the evaluation data and placement options;
7. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
9. Obtain copies of educational records at the reasonable cost unless the fee would effectively deny you access to the records;

10. 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.
11. Request an impartial hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. Hearing requests should be made to the Director of Pupil Personnel Services;
12. Receive all information in your native language and primary mode of communication.



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Bolton Public Schools

Section 504 ADA

A Guide to Section
504 of the
Rehabilitation Act



How it Applies
to Students

What is Section 504?

Section 504 is the section of the Rehabilitation Act of 1973 which applies to persons with disabilities. It is a civil rights act which protects the civil and constitutional rights of persons with disabilities. Section 504 prohibits organizations from discriminating against individuals solely on the basis of disability.

What is ADA?

The Americans With Disabilities Act (ADA) extends the Section 504 civil rights protections prohibiting discrimination against individuals with disabilities. A person is considered disabled if he/she:

1. has a physical or mental impairment which substantially limits one or more major life activities ;
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment.

In addition to school-aged children who are eligible for special education services, this includes for example, persons with communicable diseases, temporary disabling conditions, attention deficit hyperactivity disorder (ADHD), chronic asthma and severe allergies, physical handicaps, and diabetes.

Should it be determined that the student is disabled for the purposes of Section 504/ADA and needs only adjustments to the regular classroom rather than section education a range of strategies is available to meet the education needs of the children with disabilities.

What types of discrimination does Section 504 /ADA prohibit?

1. Denial of the opportunity to participate in or benefit from a services which is afforded non-disabled student (denying credit to a student who absenteeism is related to the disability, refusing to dispense medication to a student with ADHD.)
2. Denial of opportunity to participate in or benefit from services which are equal to that afforded to others.
3. Denial of aids, benefits or services which are as effective those provided to others. Equally effective means equivalent, not identical, and must afford an equal opportunity, not equal results.
4. Selecting a site or location which effectively excludes persons with disabilities or subjects them to discrimination (holding a student event at an inaccessible site.)
5. Aiding or perpetuating discrimination by providing assistance to an organizations which discriminates (sponsoring a student organization which excludes persons with disabilities.



Does Section 504 require evaluations?

1. Section 504 requires that a district evaluate “any person who, because of handicap, needs or is believed to need special education or related services.” An evaluation is also required prior to any significant change in placement. Section 504/ADA does not require that a district must conduct a full evaluation of a student simply because a parent requests it.



Does Section 504 require

1. No. Eligible Section 504/ADA students are provided with an appropriate accommodation plan. Placement decisions must be based upon information drawn from a variety of sources and all information must be documented and considered. The placement decision must be made by a group of persons knowledgeable about the child, about the meaning of the evaluation data and about placement options.