

# **SPARTANBURG COUNTY SCHOOL**

## **DISTRICT FOUR'S**



## **SECTION 504 OF THE**

## **REHABILITATION ACT OF 1973**

## **RESOURCE GUIDE FOR PARENTS**

## **Section 504 Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“ADA”), as amended, are two pieces of federal civil rights legislation that specifically prohibit discrimination against persons with disabilities. Section 504 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 School District is a recipient of Federal dollars, its administrators and staff are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 and the ADA are antidiscrimination laws that are enforced by the U.S. Department of Education’s Office for Civil Rights.

Section 504 is different than the Individuals with Disabilities Education Act (IDEA), which is a special education statute administered by the Office of Special Education and Rehabilitative Services (OSERS) that funds special education programs. IDEA 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). Students are considered disabled under the IDEA if they have one of 13-qualifying conditions and are determined to need special education. IEPs include annual goals and objectives and are designed to provide “educational benefit.”

While Section 504 does not require that schools develop an IEP, as noted above, students who have been determined to have a physical or mental impairment that substantially limits a major life activity are entitled to a free appropriate public education (FAPE). An appropriate education may entail the provision of 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 non-disabled students are met. This includes providing academic and non-academic services to students with disabilities in the same setting as their non-

disabled peers to the maximum extent appropriate. If a student requires specialized services and/or accommodations/modifications/interventions in order to receive a "FAPE" and to access the district's programs and activities in a manner equal to students without disabilities, the District must develop a written plan to document the 504/ADA services and/or accommodations that are to be/being provided. The Section 504 Plan must outline how the needed services and/or accommodations/modifications/interventions will be implemented or provided in the educational program. Under Section 504, the quality of educational programs provided to students with disabilities must be equivalent to the programs provided for non-disabled students.

It is important to keep in mind that some students who have physical or mental impairments that limit their ability to access and participate in the District's programs and activities will be entitled to accommodations and services under Section 504/ADA, even though they may not be eligible under the IDEA disability categories and thus are not covered by Special Education law. A student who is eligible for a Section 504 Plan, but does not qualify for services pursuant to an IEP, ordinarily will be provided accommodations/modifications/interventions by the staff and resources of the regular education program. However, like special education services provided under IDEA, services provided under Section 504 of the Rehabilitation Act are at no cost to families.

If you suspect that your child is "disabled" under Section 504/ADA, contact your child's assistant principal or counselor to find out more about the specific procedures for making a referral. You will be asked to complete a referral form and grant consent for a 504 evaluation. After the evaluation is complete, a meeting will be scheduled to determine if your child is eligible for a 504. You have the right to meaningfully participate in the process and provide input, even if you cannot attend the meeting in person.

## **PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT**

The following is a description of the rights granted by federal law to students with 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 handicapping condition;
2. Have the school district advise you of your rights 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 non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable 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 non handicapped students;
6. Have your child receive specially designed education services if s/he is found to be eligible under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know your child, the evaluation data, and placement options;
8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;

9. Allow your child the opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
12. 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;
13. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and your child may take part in the hearing and have an attorney represent you.

Hearing request must be made to:

**Mary E. Johnson**  
**Section 504 Coordinator**  
**Spartanburg District Four Schools**  
**118 McEdco Road**  
**Woodruff. SC 29388**  
**Telephone Number 864-476-3186**