



**Brandywine School District
Notice of Parent and Student Rights
Under Section 504***

The Rehabilitation Act of 1973, commonly referred to as “§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 § 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 services under both § 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under § 504. A *Parents Rights Handbook* prepared by the Texas Education Agency is available through the school district's Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by § 504 to those disabled students who do *not* qualify under the IDEA.

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

1. You have a right to be informed by the school district of your rights under § 504. (The purpose of this Notice form 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 fees that 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 placement in the least restrictive environment. 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 § 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluations, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and TEAMS/TAAS scores. 34 CFR 104.34.
8. Placement decisions must be made by a group of persons (i.e., the § 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under § 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.