

**NOTICE OF PARENT AND STUDENT RIGHTS
UNDER SECTION 504, THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973, commonly referred to as “Section 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.

Many students will be eligible for education 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 *Parent and Student Rights Handbook* prepared by the Texas Education Agency is available through the school district’s Special Education Department and set 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 may not qualify under the IDEA.

You and your child have the following rights:

1. You have the 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. *34 CFR 104.33.*
4. Your child has the right to placement in the least restrictive environment. *34 CFR 104.34.*
5. Your child has the right to facilities, services, and activities that are comparable to those provided for nondisabled students. *34 CFR 104.34.*
6. Your child has the right to an evaluation prior to initial § 504 placement and any subsequent change in placement. *34 CFR 104.35.*
7. Testing and other evaluation procedures must conform with the requirement of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendation, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and TAAS/TAKS scores. *34 CFR 104.35.*
8. Placement decisions must be made by a group of persons 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.*
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. *34 CFR 104.36.*
11. You have the right to examine relevant records. *34 CFR 104.36.*
12. You have the right to an impartial hearing with respect to the district’s actions regarding your child’s identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. *34 CFR 104.36.*
13. If you wish to challenge the actions of the district in regarding to you child’s identification, evaluation, educational placement, you should file a written Notice of Appeal with the district’s § 504 Coordinator, Executive Director, Student Support Services, Dr. Mary Rosenberg, 832.249.4400, 4411 Louetta, Spring, Texas 77388 within 10 business days from the time you received written notice of the district’s action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. *34 CFR 104.36.*
15. On § 504 matters other than your child’s identification, evaluation, and placement, you have a right to file a complaint with the district’s § 504 Coordinator (or designee), who will investigate the allegation to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office that covers Texas is:

Taylor August, Director
Office for Civil Rights, Region VI
1200 Main Tower Building, Room 1935
Dallas, Texas 75202