

NEWBURYPORT PUBLIC SCHOOLS

NOTICE OF PARENT/STUDENT RIGHTS

Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as "Section 504", is a nondiscrimination statute enacted by the United States Congress. One purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) currently has, or (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 or performing manual tasks.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA/PL 94-142). Students who are eligible under the IDEA/PL 94-142 have many specific rights that are not available to students who eligible solely under Section 504. It is the purpose of this notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA/PL 94-142.

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

1. You have a right to be informed by the school district of your rights under Section 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 a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child had the right to free educational services except for those fees that are imposed on non-disabled 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 these provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an Initial Section 504 placement and any subsequent significant change in placement. The district shall consider, as appropriate, 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 other sources. 34 CFR 104.35.

7. If eligible under Section 504, your child has a right to periodic formal or informal re-evaluations, generally every three years. 34 CFR 104.35.
8. 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.
9. You have the right to examine relevant records. 34 CFR 104.36.
10. On Section 504 matters you have the right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
11. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator after you receive written notice of the Section 504 Committee's action(s).
12. You may also request a hearing directly from the Massachusetts Bureau of Special Education Appeals in Malden: (781) 338-6407. 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 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.
14. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Massachusetts is:
Office of Civil Rights, Region 1
U.S. Department of Education
John W. McCormack, POCH
Room 701
Boston, MA 02189-4557.

The person in this District who is responsible for assuring that the District complies with Section 504 is:

**Christina Gentile, Director of Pupil Services
Newburyport Public Schools
70 Low Street
Newburyport. MA 01950
978-465-4453**