



**Mayfield City Schools**

EVERY STUDENT. EVERY DAY.

# Mayfield City School District

## Section 504/ADA Procedural Information and Rights

## **What is Section 504?**

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008, 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 denied with benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

Since the Mayfield City Schools is a recipient of Federal dollars, we are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by the schools. Section 504 is a civil rights statute and not a funding statute.

## **How Can I Refer My Child to Determine 504 Eligibility?**

If you suspect that your child is “disabled” under Section 504/ADA, contact your child’s school counselor, building principal, or teacher. You will be asked to complete a referral form and grant consent for a 504 evaluation. After the evaluation, a meeting will be scheduled to determine if your child has a “disability.” You have the right to meaningfully participate in the process and provide input even if you cannot attend the meeting in person.

## **What Criteria Are Used to Determine 504 Eligibility**

A student qualifies for Section 504 protection if he/she is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or be regarded as having such an impairment. However, only those students with an actual impairment are entitled to accommodations, modifications, and/or interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based on disability.

Major life activities include, but are not limited to functions such as (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

## **What is the Difference Between Section 504 and the IDEIA?**

Section 504 prohibits discrimination against students with disabilities and requires school districts to provide students with disabilities regular or special education and related aids and services that are designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations, modifications, and/or interventions must be delineated in a Section 504 Plan.

IDEIA 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 individual education program (IEP).

## **Procedural Information and Rights**

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of the District, pursuant to Section 504, 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.

1. Students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities.
2. Parents have the right to be advised of their rights under Section 504.
3. Parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child.

4. Parents have the right to have his/her child receive a free appropriate public education (FAPE). This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e. the student's education will be provided in the regular classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive 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 nondisabled students are met.
5. Parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities.
6. Parents have the right to have an evaluation and educational placement decisions made based on a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options.
7. Parents have the right to have their child transported in a non-discriminatory manner. If the District refers a student for aids, benefits, or services outside the District, adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services, were provided within the District.
8. Parents have the right to place their child in a private school or an alternative education program. However, if the District makes FAPE available to the student that conforms to the requirements of Section 504 and nevertheless the parent chooses to place the student elsewhere, the District is not required to pay for the student's education at the private school or alternative educational program, including any costs associated with transportation.
9. Parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
10. Parents have the right to examine all relevant education records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement.

11. Parents have the right to obtain, at their own expense, an independent education evaluation of their child.
12. Parents have the right to obtain copies of education records at a reasonable cost unless the fee would effectively deny the parents access to the records.
13. Parents have the right to a response from the District to reasonable requests for explanations and interpretations of their child's education records.
14. Parents have the right to receive all information in the parent's native language and mode of communication.
15. Parents have the right to periodic re-evaluations and an evaluation before any significant change in program/service modifications.
16. Parents have the right to request amendment of their child's educational record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading, or otherwise in violation of the privacy rights of their child. If the District refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record(s) a statement of why they disagree with the information it contains.
17. Parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program, or placement.
18. Parents have the right to file an internal complaint.
19. Parents have the right to be represented at any point in the process by an attorney.
20. Parents have the right to recover reasonable attorney fees as authorized by law (i.e. if the parents are successful on their due process claim).
21. Parents have the right to be notified of their Section 504 rights: when the evaluations are conducted; when consent for an evaluation is withheld; when eligibility is determined; when a Section 504 Plan is developed; and before there is significant change in the Plan.

22. Parents have the right to file a complaint with the United States Department of Education Office for Civil Rights (OCR) at any time. OCR may be contacted at 600 Superior Avenue, East, Suite 750, Cleveland, OH 44114-2611.

Complaints, including complaints of disability-based harassment and requests for due process hearings, must be put in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for a due process hearing must be filed with the District's Compliance Officer:

**Jeffrey Legan**  
**Director of Educational Services and Supports**  
**1101 SOM Center Rd.**  
**Mayfield Hts., OH 44124**  
**(440)995-7211**  
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