

Sarcoxie R-II School District
Notice of Rights & Procedural Safeguards for Disabled Students and their
Parents Under Section 504

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 non-disabled students.

An eligible student under Section 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 Section 504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. *Procedural Safeguards for Children and Parents* prepared by the Missouri Department of Elementary and Secondary Education is available through the school district’s Special Education Department and sets out the rights assured by IDEA. 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 IDEA.

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

1. You have the right to be informed by the school district of your rights under Section 504. (The purpose of this Notice 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 non-disabled 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 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 those 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. 34 CFR 104.35
7. Testing and other evaluation procedures must conform to the requirements 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 recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and MAP or other standardized test scores. 34 CFR 104.35

8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35
9. If eligible under Section 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'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,

Ashley Baker
101 South 17th Street
Sarcoxie, MO 64862
Phone: 417-548-2153

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 the right to a review of that decision by a court competent jurisdiction. 34 CFR 104.36
15. On Section 504 matters other than your child's identification, evaluation, and placement you have a 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 . The office will investigate the allegations 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 of Civil Rights. The address of the Regional Office which oversees Missouri is:

Office of Civil Rights, Region VII

8930 Ward Parkway Suite 2037
Kansas City, MO 64114-3302