

Notice of Procedural Safeguards
Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973 is a federal nondiscrimination statute. 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 the Act's 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 self-care, breathing, walking, seeing, hearing, speaking, learning, reading, concentrating, thinking, communicating, working and performing manual tasks) or a major bodily function (such functions include immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions).

The purpose of this Notice is to delineate the procedural rights assured by Section 504. The enabling regulations for Section 504 at *34 CFR §104*, entitle students to the following rights:

1. Your student 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.*
2. Your student 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.*
3. Your student has a right to placement in the least restrictive environment. *34 CFR §104.34*
4. Your student has a right to facilities, services, and activities that are comparable to those provided to nondisabled students. *34 CFR §104.34.*
5. Your student has a right to an evaluation prior to an initial Section 504 placement and any subsequent change in placement. *34 CFR §104.35.*
6. Testing and other evaluation procedures must conform to the requirements of *34 CFR § 104.35* as to validation, administration, areas of evaluation, etc. The School 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 assessment scores. *34 CFR §104.35.*
7. Placement decisions must be made by a group of persons (i.e., Section 504 Committee), including persons knowledgeable about your student, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. *34 CFR §104.35.*
8. If eligible under Section 504, your student has a right to periodic reevaluations, generally every three (3) years. *34 CFR §104.35.*
9. You have the right to notice prior to any action by the School District in regard to the identification,

evaluation, or placement of your student. *34 CFR §104.36.*

10. You have the right to examine relevant records and to obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records. *34 CFR §104.36.*
11. If you wish to challenge the actions of the School District's Section 504 Committee in regard to your student's identification, evaluation, or educational placement, you should file an oral or written request for a due process hearing with the School District's [Special Services Coordinator]. *34 CFR §104.7.*

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12. You have the right to an impartial hearing with the Superintendent of Schools with respect to the School District's actions regarding your student's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. *34 CFR §104.36.*

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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 for Civil Rights. The address of the regional office with jurisdiction over Indiana is:

Chicago Office, Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W.. Madison Street, Suite 1475
Chicago, IL 60661-4544
312-730-1560
FAX: 312-730-1560; TDD: 800-877-8339
OCR.Chicago@ed.gov
15. You may seek reimbursement for attorney fees.

Section 504 Coordinator(s):

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