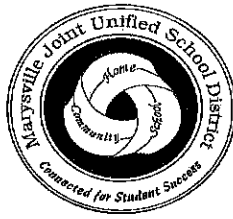


Marysville Joint Unified School District



Parent and Student Rights/Procedural Safeguards Section 504 of the Rehabilitation Act of 1973

General Notice of Nondiscrimination: The Board of Education is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.

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 students with disabilities have education opportunities and benefits equal to those provided to students without disabilities.

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. It is the purpose of this notice to set out the rights assured by Section 504 to those students with disabilities who do not qualify under the IDEA for special education services.

The enabling regulation for Section 504 as set out in 34 Code of Federal Regulations (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 and receive all this information in your native language. (This notice advises 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 student with disabilities. CFR 104.33
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104
5. Your child has a right to 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. 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 benchmark scores. 34 CFR 104.35
8. Placement decisions must be made by a group of persons, (i.e., the Section 504 team), 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 Section 504, your child has a right to periodic reevaluations generally every three years or prior to any significant change in program/service modifications. 34 CFR 104.35
10. You have the right to notice prior to any action by the district in regard to 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. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may initiate the following procedures (MJUSD AR 6164.6):
 - (a) Within 30 days of receiving the student's accommodation plan, set forth in writing his/her disagreement and request that the school principal and school site committee review the plan in an attempt to resolve the disagreement. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to attend the meeting at which the review is conducted.
 - (b) If disagreement continues, request in writing that the Superintendent or designee review the plan. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to meet with the Superintendent or designee to discuss the review.
 - (c) If disagreement continues, request in writing, a Section 504 due process hearing. You should file a written notice of appeal with the district's 504 Coordinator in the office of Student Services. The request shall include:
 - The specific nature of the decision with which the parent/guardian disagrees
 - The specific relief the parent/guardian seeks
 - Any other information the parent/guardian believes pertinent
13. Within 20 days of receiving the parent/guardian's request, the Superintendent or designee shall select an impartial hearing officer. This 20 days may be extended for good cause or by mutual agreement of the parties. You will be notified in writing of the date, time and place for the hearing (MJUSD AR 6164.6).
14. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45 days may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing (MJUSD AR 6164.6).
15. Notifications shall also set forth the procedures for requesting a hearing, the name, address and telephone number of the person with whom the request should be made, and the fact that reimbursement for attorney's fees is available only as authorized by law (MJUSD AR 6164.6).
16. The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter (MJUSD AR 6164.6).
17. Any party to the hearing shall be afforded the right to:
 - (a) Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
 - (b) Present written and oral evidence
 - (c) Question and cross-examine witnesses
 - (d) Receive written findings by the hearing officer
18. If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.
19. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office is, Office for Civil Rights (Region IX), U.S. Department of Education 50 Beale Street, Suite 7200, San Francisco, CA 94105. Their phone number is (415) 486-5528.