



A Parent's Guide to Understanding Section 504 and the Rehabilitation Act of 1973

The intent of this brochure is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of the decisions. Please keep this information for future reference.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal law which protects persons with qualifying disabilities from discrimination. Specifically, Section 504 is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. For schools, this means that equal access to education is provided for all students. Access is not limited to physical access to a building. Section 504 is for students who would not have a comparable opportunity to an appropriate education without modification or intervention. If a student is found eligible under Section 504, Section 504 also requires that Bio-Med Science Academy (BMSA) provide a free appropriate public education (FAPE) to that student.

How does Section 504 define disability?

A student is considered to have a disability within the definition of Section 504 if he or she has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

What are major life activities?

They include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working and operation of a major bodily function.

What does substantially limit mean?

Substantially limit means that a student is restricted as to the conditions, manner, or duration under which a major life activity can be performed as compared to their typically developing peers. The restriction is material/ important.

Negligibly

Mildly

Moderately

Substantially

Extremely

How are students identified for Section 504 Bio-Med Science Academy?

Students with Section 504 qualifying disabilities are identified by evaluation. In BMSA, when learning, reading, speaking, concentrating, thinking or communicating are the major life activities in question, a special education (or IDEA) evaluation may be initiated, in order to determine eligibility under IDEA and/or Section 504.



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A health care provider may state that a student has a disability and needs certain accommodations or modifications at school. They may even state exactly what services are needed. BMSA will consider any relevant information provided to the school district, including any information from a health care provider. However, while it is the health care provider's responsibility to provide a medical diagnosis, it is the school district's responsibility to evaluate and if eligible, develop and implement a Section 504 plan that is appropriate for the academic setting.

What is the relationship between Section 504 and special education?

This has been an area of confusion over the years. Some students who have disabilities that limit their ability to access the regular education program may be students with disabilities under Section 504 even though they may not be eligible for special education and related services under IDEA. All students receiving special education under IDEA are protected under Section 504. For students who are eligible for IDEA services, the student's IEP is also their Section 504 plan.

What is the evaluation process?

1. The District must seek and obtain informed parental consent prior to conducting an initial Section 504 evaluation.
2. After informed parental consent is obtained, a group of persons knowledgeable about the child, knowledgeable about placement options and who have the ability to interpret evaluation data is appointed by the school principal to do the 504 evaluation. Typically this team will include the parent, student, if able, teacher, principal or designee and other staff who are knowledgeable about the disability and the student.
3. The evaluation will draw from a variety of sources to determine if a physical or mental impairment substantially limits a major life activity.

Relevant information could include, but is not limited to:

- Information gathered from school records, observations, interviews, medical records, rating scales, or work that the student has produced Interviews with teacher(s), parents, medical or mental health providers
- Educational records including standardized test scores, grades, attendance records, disciplinary records, hearing or vision screening results, or samples of daily work.
- Direct observation of the student

Please note that a medical diagnosis by itself will not suffice as an evaluation for the purpose of determining that a student has a disability under Section 504.



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If a student is eligible, what is provided?

If required, a Section 504 plan will be developed by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. If a 504 plan is necessary, that plan will specify what individualized accommodations, aids, benefits or services will be provided. These services are for the purpose of placing the student with the disability at an equal starting level with non-disabled students.

Who do I talk to at my child's school if I think he or she has a Section 504 disability?

You may contact the Section 504 Coordinator for information regarding referring your child for a Section 504 evaluation or further information regarding Section 504.

Section 504 Coordinator: Lydia Friedman

Email: lfriedman@biomedscienceacademy.org

Phone: 330-325-6190

What is the role of the Section 504 coordinator?

The District 504 Coordinator assists the school in meeting the requirements of Section 504. The Coordinator provides resources and help educators and administrators fulfill their responsibilities under Section 504.

What are my rights as a parent under Section 504?

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have BMSA advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
4. Provide, or refuse to provide, your consent prior to an initial Section 504 evaluation.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the BMSA make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. Have your child receive special education and related aids and services if he/she is found to be eligible under Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794] and in need of those education and related aids and services.
8. Have evaluation, educational, and placement decisions made based upon a variety of information sources and by persons who know the student, the evaluation data, and the placement.



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9. Provide, or refuse to provide, your consent prior to implementation of an initial Section 504 plan.
10. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by BMSA.
11. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program and placement.
12. Obtain copies of educational records at reasonable cost unless the fee would effectively deny you access to the records.
13. Obtain a response from the BMSA to reasonable requests for explanations and interpretations of your child's records.
14. Request mediation or file a grievance in accordance with the BMSA's Section 504 mediation, grievance and hearing procedures.
15. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
16. File a formal complaint with the U.S. Department of Education. A complaint of discrimination can be filed by anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex disability or age.

For more information, please visit:

Ohio Department of Education <http://education.ohio.gov>

U.S. Department of Education <http://www2.ed.gov/about/offices/list/ocr/504faq.html>