

**SUMMARY OF PARENT/STUDENT RIGHTS UNDER SECTION 504 OF THE
REHABILITATION ACT OF 1973**

The following is a summary of the rights granted under federal law to qualified students with disabilities and their parents. The full provisions of the federal law creating these rights can be found at 29 U.S.C. Section 794 (Section 504 of the Rehabilitation Act of 1973) and 34 C.F.R. Part 104 et seq., and in the Americans with Disabilities Act and its regulations. Copies of the full District 504/ADA procedures are available from the District's Non-Discrimination Coordinator (Carrie A. Lutz) or through the student's building principal.

A. Qualified Students with Disabilities:

1. May not, on the basis of disability, be excluded from participation in, or denied the benefits of, programs or activities offered by the District;
2. May not be discriminated against on the basis of their disability in connection with any district program or activity;
3. Have a right to be educated in facilities and receive services comparable to those provided for students without disabilities
4. Have a right to be educated with students who are not individuals with disabilities to the maximum extent appropriate;
5. Have a right to receive a free appropriate public education. (Under Section 504, a "free appropriate public education" ("FAPE") means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the qualified student with a disability as adequately as the needs of the students who are not individuals with disabilities are met);
6. Have a right to an equal opportunity to participate with students who are not individuals with disabilities in the district's nonacademic/ extracurricular services and activities;
7. Have a right to have evaluation, educational, and placement decisions made based upon information from a variety of sources; to periodic reevaluations and an evaluation before any significant change in placement in a regular or special education program; and to have placement decisions made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
8. Have a right to be placed in a regular educational environment operated by the District unless the District demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily;
9. Have a right to be advised by the District regarding the District's duties under Section 504 regulations.

B. Parents Have a Right:

1. To be advised by the District regarding the District’s duties under Section 504 regulations;
2. To examine their child's education records;
3. To receive notice with respect to identification, evaluation, or placement of their child (such notice to be in parent's native language and primary mode of communication);
4. To file a local grievance;
5. To request mediation through the Vermont Department of Education, and/or to request an impartial hearing before a State hearing officer and/or any other means available through State or federal law, in the event that they disagree with an action regarding identification, evaluation, services or placement of the child; and a right to a review of such decision.¹ In such a hearing, parents shall have the opportunity to participate and be represented by counsel at their own expense.

*****Time for Filing Claims*****

** An action and/or due process proceeding seeking to enforce Section 504 and/or the ADA against this school district **must be commenced within two years** of the alleged violations, and not after, pursuant to Vermont law, 16 VSA '2957 and VDE Rule 1253.

An action or due process claim for reimbursement for the costs of a unilateral placement must be filed with the Commissioner of Education **within 90 days of the unilateral placement, and not after.

This notice shall not be construed to create any right or any claim or cause of action not otherwise provided by law.

The person who is responsible for assuring that the Supervisory Union and its member school districts comply with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act is:

Name	Carrie A. Lutz
Title	Director of Special Education Colchester School District 125 Laker Lane Colchester, Vermont 05446 (802)264-5986

LSSU10-005Parents Rights(rev)

¹ NOTE: Mediation requests should be addressed to, and due process hearing requests should be filed with, the Commissioner of the Vermont Department of Education, 120 State Street, Montpelier, Vermont 05602