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**Utah State Board of Education**

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# **YOUR RIGHTS UNDER SECTION 504 PROCEDURAL SAFEGUARDS TEMPLATE**

A FORM FOR LEAs TO ADAPT AND USE

August 2023

N.B. This form is not required. This form is for LEAs to adapt and use at their discretion. USBE does not assume responsibility on how these forms are adapted and used.

# Your Rights Under Section 504 (Procedural Safeguards)

School District/School Name

**Your Rights Under Section 504** You have the right to be informed by the district/school of your rights under Section 504. This is a notice of you and your student's rights under Section 504 and the rights you have if you disagree with the district's/school's decisions.

## WHAT IS SECTION 504?

Section 504 of the Rehabilitation act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activities.

## THE SECTION 504 PROCESS

Your student has the right to an evaluation before the school determines if they are eligible under Section 504. You have the right to:

- Receive notice before the district/school takes any action regarding the identification, evaluation, and placement of your student.
- Have evaluation and placement decisions made by a group of persons who know your student, often called a "504 team."
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your student
- Periodic re-evaluations, including re-evaluations before any significant change is made in your student's placement.

## YOUR STUDENT'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's/school's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's/school's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your student an equal opportunity to participate in school activities.

- Receive educational and related aids and services without cost, except for those fees imposed on the parents/guardians of students without disabilities.
- Receive special education services if needed.

## YOUR STUDENT'S RECORDS

You have the right to:

- Review your student's educational records and to request copies.
- Ask the district/school to change your student's education records if you believe that they are wrong, misleading, or are otherwise in violation of your student's privacy rights. If the district/school refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your student's education records.

## IF YOU DISAGREE WITH THE DECISION

If you disagree with the decisions regarding your student's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your student have the right to take part in the hearing and the right to representation by an attorney, at your expense, if desired. Hearing requests and other concerns can be made to your district's or charter school's Section 504 Coordinator.

**Coordinator Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR). The contact information is:

*U.S. Department of Education Office for Civil Rights, Region VIII*  
*Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310*  
*Denver, Colorado 80204-3582*  
*Telephone: 303-844-5695 | FAX: 303-844-4303*  
*Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov) | Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)*