

Form D-1
Notice Of Parental Rights and Procedural Safeguards
Under Section 504

Section 504 of the Rehabilitation Act of 1973

This is a notice of your rights regarding the identification, evaluation, and placement of your child under Section 504 of the Rehabilitation Act of 1973. These rights are designed to keep you fully informed about the District's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

1. Parents/guardians shall receive written notice of all District decisions regarding the identification, evaluation, and/or placement of their child. The parent/guardian has a right to participate in the Section 504 team meeting to determine eligibility, program, placement, and discipline-related issues. The parent/guardian shall receive advance notice of team meetings. The parent/guardian is not entitled to a postponement of a Section 504 meeting, but may receive one per request.
2. Parents/guardians have a right to examine all relevant records regarding their child. The parents/guardians shall receive copies of all Section 504 team assessments and documents related to the District's Section 504 decisions related to his/her child.
3. A student has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students.
4. A student 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 disabled student.
5. A student has the right to placement in the least restrictive environment.
6. A student has the right to facilities, services and activities that are comparable to those provided for non-disabled students.
7. A student has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. Testing and other evaluation procedures must conform to the requirements of existing law as to validation, administration, areas of evaluation, etc. 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 and anecdotal reports.
8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about the child, the meaning of the evaluation data, the

placement options, and the legal requirements for least restrictive environment and comparable facilities.

9. If eligible under Section 504, your child has the right to periodic reevaluations, generally every three years.
10. Parents/guardians have the right to request an administrative review of a District decision concerning the identification, evaluation, and/or placement of their child under Section 504. (See Appendix D-15).
11. Parents/guardians also have a right to an impartial hearing with the opportunity for participation by the parent/guardian to resolve disagreements with the District relating to the identification, evaluation, or educational placement of their child, including assessment needs, eligibility, program, placement, related service needs, and issues related to discipline. A request for a hearing must be filed in writing with the District Section 504 Coordinator:

Manager, Student Services
District 504 Plan Coordinator
2020 Bonar Street, Room 112
Berkeley, CA 94702
510.883-5224 (main)
510.644.7712 (fax)

Upon such a request, an impartial hearing officer shall be retained by the District. Additional information regarding these rights and the process for impartial Section 504 hearings are set forth in District regulations at Administrative Regulation (AR) 6164.6: Identification and Education Under Section 504. Copies of these regulations are available from the District Section 504 Coordinator. Contact information for that individual is included above.

12. Parents/guardians have the right to file a complaint based on disability harassment, pursuant to the Uniform Complaint Procedure or the District's site-level complaint process (Uniform Complaint Procedures- Board Policy and Administrative Regulation 1311) Copies of these regulations are available from the District Section 504 Coordinator. Contact information for that individual is included above.
13. Parents/guardians have the right to file a complaint regarding an alleged violation of Section 504 with the Office of Civil Rights ("OCR"). Additional information regarding OCR's complaint process is available at:
<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
14. The Section 504 Site Lead typically is the principal of the school your child attends or the principal's designee, such as the school counselor. At the Berkeley High School, the academic counselor is responsible for receiving requests for evaluation for Section 504 Plans, gathering information from a variety of sources, communicating with providers (with permission) as needed. A Vice Principal supervises the academic counselors of each "learning community" and can call upon professionals with expertise of the student's suspected disability. Should a parent/guardian have any concerns or questions concerning their rights, the Section 504 process, or any other related issue, the parent/guardian is encouraged to contact the academic counselor or the administrator of the learning community. Parents and guardians may also contact the District Section 504 Coordinator with general questions or concerns. If an issue cannot be resolved at the school site, and the parent/guardian wishes to discuss the matter further, request

administrative review, or if the parent/guardian wishes to file a request for an impartial hearing, the parent/guardian may contact the District Section 504 Coordinator:

James Wogan, LCSW, Manager, Student Services
District 504 Plan Coordinator
2020 Bonar Street # 112
Berkeley, CA 94702

510.883.5224 (Main)
510.644.6316 (Direct)

510.644.7712 (fax)