

**TRAVERSE CITY AREA PUBLIC SCHOOLS****NOTICE OF SECTION 504/ADA PROCEDURAL RIGHTS AND INFORMATION**

The Rehabilitation Act of 1973, commonly known as "Section 504" (§504), is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. Title II of the Americans with Disabilities Act (ADA) prohibits disability discrimination in programs, activities and services of state and local governments, including public schools. In the school setting §504 applies to ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to students without disabilities. You are receiving this document because you are either an adult student or the parent of a minor student who has or is suspected of having a disability under §504.

Under §504, a student is considered "disabled" if he or she has a physical or mental impairment that substantially limits one or more major life activities, such as learning, walking, seeing, hearing, breathing, working, caring for oneself, eating, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, communicating, and performing manual tasks. Section 504 also applies to students with a record of having a substantially limiting impairment or who are regarded as having such an impairment. Students can be disabled under Section 504 and can receive regular or special education and related services even if they do not qualify for or receive special education services under the Individuals with Disabilities Education Act (IDEA).

The purpose of this Notice is to inform parents and students of the rights granted to them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR). They include the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32]. The public school that you or your child attends must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this notice, please contact the Principal/Building 504 Coordinator for the school that you or your student is attending.
2. A child who has a physical or mental impairment that substantially limits a major life activity ("eligible child") has the right to a free appropriate public education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
3. An eligible child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students.
4. To the maximum extent appropriate, an eligible child has the right to be educated with children who are not disabled. The eligible child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom with the use of supplementary aids and services. [34 CFR 104.34].
5. The eligible child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The District must undertake an evaluation of your child prior to determining eligibility under Section 504 and developing his or her appropriate educational placement, aids or services under §504, and also before any subsequent significant change in placement. [34 CFR 104.35].

7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, and parent input, among others. [34 CFR 104.35].
8. Placement decisions regarding your child must be made by a group of persons (a 504 Team) knowledgeable about your child, the meaning of the evaluation data, possible placement options. Placement decisions must also comply with the requirement that to the maximum extent appropriate, children with disabilities should be educated with non-disabled children. [34 CFR 104.35].
9. If your child is eligible for services under §504, he or she has a right to periodic reevaluations to determine if there has been a change in educational need. Generally, a reevaluation will take place at least every three years. [34 CFR 104.35].
10. You have the right to be notified prior to any action (be it a proposal or refusal) regarding the identification, evaluation, or placement of your child. [34 CFR 104.36].
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under 504). [34 CFR 104.36].
12. You have the right to request an impartial due process hearing if you wish to contest any District action with regard to your child's identification, evaluation, or placement under 504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
13. If you wish to request an impartial due process hearing, you must submit a written Request for Hearing to the District Compliance Officer at the address below.  
  
Brooke Laurent  
412 Webster Street, Traverse City, MI 49686
14. An impartial hearing officer will be appointed. You will be notified in writing of the hearing date, time, and place. Further details about the hearing process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building Compliance Officer or the District Compliance Officer. Names, titles and contact information for all Compliance Officers are included on the attached list.
15. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction.
16. If you feel that the District has violated an express term of its §504 policies and procedures, you have the right to present a grievance to the District Compliance Officer. Further details about the grievance process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building Compliance Officer or the District Compliance Officer. Names, titles and contact information for all Compliance Officers are included on the attached list.

17. If you feel the District has violated Section 504, you also have a right to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The address of the OCR Regional Office that covers Michigan is:

**Office for Civil Rights  
Cleveland  
U.S. Department of Education  
600 Superior Avenue East  
Suite 750  
Cleveland, OH 44114**

District 504/ADA Compliance Officer  
Brooke Laurent, Executive Director of Special Education  
412 Webster Street, Traverse City, MI 49686  
Telephone: 231-933-1780  
Email: laurentbr@tcaps.net

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