



# KERN HIGH SCHOOL DISTRICT

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Michael Zulfa  
Assistant Superintendent, Instruction

## Notice of Parent and Student Rights under Section 504

The Rehabilitation Act of 1973, commonly referred to as "504", is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment which substantially limits a major life activity such as breathing, seeing, speaking, caring for oneself, learning, walking, hearing, performing manual tasks, working, eating, sleeping, standing, lifting, reading, thinking, bending, concentrating and/or operation of major bodily function(s).

The enabling regulations for 504 as set out in 34 CFR, (Code of Federal Regulations) Part 104 provide parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under 504. (The purpose of this Notice form is to advise you of those rights.) You have a right to receive information regarding our child in your native language and primary mode of communication. 34 CFF 104.32.
2. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child 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. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial 504 placement and any subsequent significant change in placement. 34 CFR 104.35.

Parent/Guardian Initial: \_\_\_\_\_  
504 Coordinator Initial: \_\_\_\_\_

7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 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. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons (i.e., the Section 504 committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under Section 504, your child has a right to reevaluation every three (3) years. However, if conditions warrant, an assessment should be performed yearly. 34 CFR 104.35.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.35.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. If you feel that there has been a failure by the district to implement a federal or state special education or 504 law or regulation, you should file a written notice of complaint with the district's 504 Coordinator (Mark Balch, 5801 Sundale Avenue, Bakersfield, CA 661-827-3282) within 6 months of the alleged failure. The procedures outlined in the district's Uniform Complaint Procedures shall be followed. 34 CFR 104.36.
13. If you disagree with the actions of the district's 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written request for Impartial Hearing with the district's 504 Coordinator (Mark Balch, 5801 Sundale Avenue, Bakersfield, CA, 661-827-3282) within 6 months from the time you received written notice of the 504 Committee's actions(s). The procedures outlined in the district's Impartial Hearing Procedures shall be followed. 34 CFR 104.36.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. You have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers California is:

US Department of Education  
Office for Civil Rights  
Old Federal Building  
50 Beale Street Suite 7200  
San Francisco, CA 94105

Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

504 Site Coordinator \_\_\_\_\_ Date \_\_\_\_\_