

Burlington School District
SUMMARY OF PARENT/STUDENT RIGHTS UNDER SECTION 504

The following is a summary of the rights granted under federal law to qualified students with disabilities and their parents under Section 504 of the Rehabilitation Act of 1973. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Copies of the full federal regulations and/or District procedures are available from the 504 Coordinator **Please keep this explanation for future reference.**

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, otherwise be discriminated against in district programs or activities;
2. have a right to have the District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities, as described below;
3. have a right to an equal opportunity to participate with students who are not individuals with disabilities in non-academic and extra-curricular services and activities offered by the district;
4. have a right to be educated in facilities and receive services comparable to those provided for students who are not individuals with disabilities, and 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 (that is, an education including 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 have evaluation, educational, and placement decisions made based upon a variety of information sources; to periodic re-evaluations 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;
7. have a right to be placed in a regular educational environment of the District, unless the District shows that the education of the student in such environment, with the use of supplementary aids/services, cannot be achieved satisfactorily;
8. and their parents have a right to be advised by the District regarding the District's Section 504 duties.

- B. Parents/Legal Guardians of a Qualified Individual with a Disability have a Right:
1. to examine the education records of their child and obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
 2. obtain a response from the Burlington School District to reasonable requests for explanations and interpretations of your child's records;
 3. request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the Burlington School District refuses this request for amendment, the District shall notify you within a reasonable time and advise you of your right to an impartial hearing;
 4. 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);
 5. to file a local grievance (with the school district), and/or to request mediation through the Vermont Department of Education, and/or to request an impartial hearing before a 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 review such decision. In such a hearing, a parent shall have the opportunity to participate and be represented by counsel. (Mediation and due process hearing requests should be filed with the Commissioner of the Vermont Department of Education, 120 State Street, Montpelier, VT 05620.) In addition, you may file a formal complaint with the U.S. Department of Education at Office for Civil Rights, Region I, McCormack Post Office and Courthouse, Rm. 22 Post Office Square, Boston, MA 02109-4557.

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The person who is responsible for assuring that the Burlington School District complies with Section 504 and the Americans with Disabilities Act ("ADA") is:

Jeanne Collins, Sec. 504 and ADA Coordinator
The Burlington School District
150 Colchester Avenue
Burlington, VT 050401
(802) 864 -8456

Note: Under Vermont law, 16 VSA § 2957 and VDE Rule 1253, an action and/or due process proceeding to enforce Section 504 and/or the ADA against this school district must be commenced within two (2) years of the alleged violations, and not after. If reimbursement is sought for the costs of a unilateral placement by the parents, a due process hearing request seeking reimbursement must be filed with the Commissioner of Education within ninety (90) days of the unilateral placement, and not after. In addition, an appeal from a final administrative decision in a special education due process hearing to a court of competent jurisdiction pursuant to 20 U.S.C. §1415(e) shall be commenced within 90 days from the notice of the final decision, and not after. Finally, where a unilateral placement has been made without the Burlington school district being offered a reasonable opportunity to evaluate the child and to develop an individualized education plan, reimbursement may not be sought for any costs incurred before the school district is offered such an opportunity.

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