

FEDERAL LAW

INTRODUCTION

The civil rights movement, which began in the sixties, has irrevocably altered the way in which minority groups are treated in our society. First, racial and ethnic minorities, then women, then other groups sought legal protection by joining the civil rights movement. In the seventies and eighties, people with disabilities started to demand their rightful place in the mainstream of society. As a result, children with disabilities have rights under federal law. This chapter outlines those federal laws that directly affect such children. More details about these laws are contained within the chapters on the subjects covered by the laws.

PUBLIC LAW 94-142

THE EDUCATION FOR HANDICAPPED CHILDREN ACT

This Act, which is now called the **Individuals with Disabilities Education Act**, was first signed into law in 1975. The law mandated that all children with disabilities, ages 5-21, be provided a **free appropriate public education**, including special education and related services to meet their unique needs. The law gave the states the option to include children as young as three years of age. Louisiana took advantage of this option. The law also required states to identify and evaluate children who were suspected of needing special education and develop a plan for implementing the federal directives. The highlights of P.L. 94-142 as they exist today, are:

- All children and youth (ages 0-21) with disabilities, regardless of the severity of the disability, have the right to receive a free appropriate public education (FAPE) - at public expense.
- Education of children and youth with disabilities must be based on a complete individual evaluation and assessment of the specific, unique needs of each child.
- An Individualized Education Program (IEP), or an Individualized Family Services Plan (IFSP), must be drawn up for every child or youth found eligible for special education or early intervention services, stating precisely what kinds of special education and related services, or the types of early intervention services each infant, toddler, preschooler, child, or youth will receive.

- To the maximum extent appropriate all children and youth with disabilities must be educated in the regular education environment.
- Children and youth receiving special education have the right to receive the related services necessary to benefit from their instruction.
- Parents have the right to participate in every decision related to the identification, evaluation, discipline and placement of their child with a disability.
- Parents must give consent for any evaluation, assessment, or placement; be notified of any change in placement that may occur; be included, along with teachers, in conferences and meetings held to prepare individualized programs; and must approve these plans before they go into effect for the first time.
- Parents have the right to challenge and appeal any decision related to the identification, evaluation, discipline, and placement of their child, or any issue concerning the provision of FAPE. They have the right to make these challenges through clearly spelled-out due process procedures.
- Parents have the right to confidentiality of information. No one may see a child's records unless the parents give their written permission. (The exception to this being school personnel with legitimate educational interests.)

THE INFANTS AND TODDLERS ACT

In 1986, Public Law 94-142 was amended to include a new initiative. The amendment, which was popularly called "The Infants and Toddlers Act" or simply "Part H," gave states five years to design, develop and implement early intervention services for infants and toddlers with developmental delays and their families. The 1997 Amendments made a few significant changes, one of which being that "The Infants and Toddlers Act" was moved from Part H to Part C. The new amendments authorized changes in regards to where services should be provided, personnel who may assist in providing services, a provision for states who are not providing any services, a family resources assessment requirement, a clarification on certain types of medical insurance and finally an emphasis on the use of mediation.

1997 IDEA AMENDMENTS

On June 4 1997, Congress passed, and President Clinton signed into law, the reauthorized IDEA of 1997 (P.L. 105-17), which has resulted in some significant

changes. The law now includes an increased emphasis on children participating in the general/regular education classroom as much as possible. Students with disabilities will now participate in statewide and district-wide assessment programs. There have also been significant changes regarding discipline of students with disabilities. IDEA also changed the manner in which evaluations are conducted as well as added a transition planning requirement. Parents now have the right to participate in eligibility, placement and discipline decisions. Finally the law includes a strong emphasis on using voluntary mediation as a means of resolving parent/school controversies.

1999 FEDERAL REGULATIONS FOR THE 1997 IDEA AMENDMENTS

In 1999, new federal regulations took effect to implement the 1997 IDEA amendments. There are two purposes served by the new regulations. They are to conform the existing regulations to the new statutory requirements of the 1997 IDEA amendments, and to incorporate relevant longstanding interpretations of IDEA provisions not changed by the 1997 IDEA amendments.

One of the changes adds Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD) to the list of conditions which may render a student eligible for special education under the category of other health impairment (OHI). Also, the definition for **parent** is expanded to include grandparent, stepparent, and others who meet the definitional criteria. The 1999 federal regulations address important aspects of IEPs, FAPE, discipline, and placement issues. They are discussed in more detail in each of the chapters affected by them.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

This law, also known as the Buckley Amendment, requires that all school records be kept confidential. There are specific policies for storing information, releasing it to third parties, destroying it, and protecting personally identifiable information.

Parents and their representatives have the right to see their child's educational records within 45 days of requesting to inspect them. There can be a charge for copies of the records unless this would prohibit the parents from having access to them.

Parents may also request that the records be changed and amended. Therefore, parents not only have the right to see their child's records but also have the right to formally or informally challenge the records.

HANDICAPPED CHILDREN'S PROTECTION ACT

The Handicapped Children's Protection Act, more commonly called the Attorney's Fee Bill, was signed into law on August 5, 1986. This law provides for "reasonable" attorney's fees and costs to **parents who prevail** (win their cases) in due process or court proceedings challenging violations of IDEA. Costs include fees for expert witnesses and the costs of any tests or evaluations necessary for the preparation of the case. In most cases, parents must exhaust administrative remedies before they go to court.

THE REHABILITATION ACT OF 1973

This law is of vital importance because it addresses discrimination against persons with disabilities. It was created to ensure affirmative action in employment and to eliminate discrimination based on handicapping conditions. The law has different sections which refer to different areas of discrimination, as follows:

- Section 501: Employment of Handicapped Individuals
- Section 502: Architectural and Transportation Board Compliance
- Section 503: Employment under Federal Contracts
- Section 504: Non-discrimination under Federal Grants

Section 504 provides individuals with disabilities basic civil rights protection against discrimination in **federal programs**. The law states that "no otherwise qualified handicapped individual in the United States shall, solely by reason of his [or her] handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." To be eligible for the protections under Section 504, an individual must meet the definition of a handicapped person. This definition is: "Any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." Major life activities include self-care, performing manual tasks, seeing, hearing, speaking, breathing, learning, and walking.

Section 504 covers persons with disabilities who are qualified to participate in programs or activities receiving **federal funding**. It applies to schools receiving money under IDEA. This includes pre-schools, elementary, secondary schools and post-secondary institutions. For example, if a school district provides an after school program, it must allow students with disabilities to enroll in the program as well as non-disabled students. Students with disabilities who do not meet eligibility criteria for services under IDEA may be entitled to accommodations in the classroom under Section 504.

THE TECH ACT OF 1988

Officially titled Technology-Related Assistance for Individuals with Disabilities Act of 1988, this statute established grants (funding) for states to provide technology-related assistance to individuals with disabilities. It was amended in early 1994 to expand funding and advocacy services.

THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

The ADA expands the concept of the Rehabilitation Act of 1973 beyond the federal arena. It includes not only federal places of employment and programs and services that receive federal funds, but privately operated public accommodations and services as well. The Americans with Disabilities Act provides for accommodations to individuals with disabilities in the areas of employment, public services, privately operated public accommodations and services, and telecommunications relay services. For additional information regarding the ADA, contact the:

**U.S. Department of Justice
Civil Rights Division, Disability Right Section
P.O. Box 66738
Washington D.C. 20035-6738
Telephone 1-800-514-0301, 1-800-514-0383 (TDD),
FAX # (202)307-1198
11:00 a.m. - 4:00 p.m.**

For general information on the Americans With Disabilities Act or the Department of Justice you can also check their web site at

<http://www.usdoj.gov/crt/ada/adahom1.htm>

HOW AND WHERE TO FIND FEDERAL LAWS

Public laws of the United States government are organized and published in a collection of all federal statutes called the United States Code. Although many people refer to laws by their Public Law number, the easiest way to find the law is to look it up in the U.S. Code. As laws are amended by subsequent Acts of Congress, the U.S. Code is revised. Thus, the U.S. Code contains the most up-to-date version of the law in question.

The U.S. Code is divided into numbered Titles, each of which is a grouping of laws dealing with a common subject matter. For instance, Title 20 contains the laws concerning education, and Title 42 contains those pertaining to public health and welfare. Within each Title, the various sections of the law are assigned a number. To find a particular law in the U.S. Code it is necessary to know both the Title and section numbers.

The U.S. Code is published in a multi-volume hardback series cited as U.S.C. (as in 20 U.S.C. §1400). West Publishing Company also publishes a version of the code containing case summaries and notes intended to illustrate the law. This is entitled U.S. Code Annotated and is cited as U.S.C.A. The law and citation numbers are identical in both versions.

When writing a law, Congress often delegates to an administrative agency of the U.S. government the task of issuing detailed regulations to implement the law. Federal agency regulations are collected in the Code of Federal Regulations (C.F.R.). The U.S. Government Printing Office issues a multi-volume paperback set of the C.F.R. which can be found in most public libraries. Like the U.S. Code, the Code of Federal Regulations is divided into Titles, and a complete citation includes both the Title number and section number of the regulation in question, e.g., 34 C.F.R. §300.1.

The following is a list of citations for the public laws that were previously mentioned. The first number refers to the volume number. The second number(s) behind the book abbreviations refers to the section number(s).

- **PUBLIC LAW 94-142,**
The Education for All Handicapped Children Act:
20 U.S.C. §1400; 34 C.F.R. §300.1
- **PUBLIC LAW 99-457,**
Infant and Toddlers Act:
20 U.S.C. §1471; 34 C.F.R. §303.1
- **PUBLIC LAW 105-17,**
Individuals with Disabilities Education Act (IDEA):
20 U.S.C. §1400-1487; 34 C.F.R. §300 & 301
- **PUBLIC LAW 93-380,**
Family and Educational Rights and Privacy Act, (FERPA):
5 U.S.C. §552(a), 20 U.S.C. §1232(g); 34 C.F.R. §99.1

- **PUBLIC LAW 99-372,**
Handicapped Children's Protection Act of 1986:
20 U.S.C. §1415
- **PUBLIC LAW 93-112,**
The Rehabilitation Act of 1973:
29 U.S.C. §701-797(b), 29 U.S.C. §706(8); 34 C.F.R. §104
- **PUBLIC LAW 100-407,**
Technology-Related Assistance for Individuals with Disabilities Act of 1988
(Tech Act):
29 U.S.C. §2201-2288; 20 U.S.C. §1401(1-2); 34 C.F.R. §300.5-300.6
- **PUBLIC LAW 101-336,**
The Americans with Disabilities Act of 1990 (ADA)
42 U.S.C. §12101-12213; 29 C.F.R. §1630; 28 C.F.R. §35-36

STATE LAW AND REGULATIONS

INTRODUCTION

Just as there is a body of federal law that protects the rights of persons with disabilities, so too is there a body of state law which does the same. State laws sometimes parallel federal law: e.g., Louisiana's Education of Exceptional Children's Act parallels the federal IDEA.

Where a state law or bulletin conflicts with federal law, federal law usually prevails. If a conflict between state and federal law is discovered, then notice should be given to the Division of Special Populations in Baton Rouge.

THE EDUCATION OF EXCEPTIONAL CHILDREN'S ACT (ACT 754)

Following the passage of P.L. 94-142 by Congress in 1975, Louisiana Act 754 (now codified as LSA-R.S. 17:1941) was enacted. The law required state funding for every parish to provide special education and related services to educate students with disabilities. Special education services in Louisiana are administered by the State Department of Education in compliance with state and federal regulations.

BULLETINS THAT DEFINE STATE LAW

State laws are defined in paperback handbooks known as Bulletins. These Bulletins are available from the Louisiana Department of Education. A sample letter requesting a copy of a particular Bulletin is included at the end of this section.

The following are some of the more pertinent Bulletins:

- **Bulletin 1706 - Regulations for Implementation of The Exceptional Children's Act**

This bulletin summarizes all regulations that implement Act 754. This Bulletin is currently being revised.

- **Bulletin 1508 - Pupil Appraisal Handbook**

Bulletin 1508 is a guide for the conduct of pupil appraisal services in each school system throughout the state. It includes procedures, standards, and criteria for identifying children eligible for special education and related services. It also includes policies and procedures for conducting evaluations and reevaluations of students suspected of and with disabilities. In addition, a

general description of pupil appraisal services encompasses personnel, responsibilities, rights of students and parents, and timelines to be observed. This Bulletin is currently being revised.

- **Bulletin 1530 - Louisiana's IEP Handbook**
Bulletin 1530 provides information regarding the Individualized Education Program (IEP), the basis for educational programming for students identified as exceptional in Louisiana. The handbook describes the IEP process and associated legal procedures. The intent of this handbook is not to replace any regulations; rather, it outlines "best practices" as well as mandatory procedures. It serves as a training vehicle for interested parties in the effort to improve the quality of IEPs in Louisiana. This Bulletin is currently being revised.
- **Bulletin 1573 - Complaint Management System**
Bulletin 1573, revised in 1993, defines the process of complaint management as implemented in Louisiana. The appendices include letters and forms used to document complaints filed with the State Department of Education, Office of Special Populations Services.
- **BULLETIN 1872 - Extended School Year Handbook**
This handbook contains a compilation of the rules governing the criteria for extended school year services. Although designed for use by school administrators, this handbook uses language which should be easy for a parent to follow.
- **Bulletin 1879 - Guidelines for Related Service Personnel**
This Bulletin describes three models for the provision of related services: tracking/monitoring, consultative, and direct service models. It describes the differences and overlaps among these models and concludes that the choice of a particular service plan depends upon the individual educational needs of each child.
- **Bulletin 1886 - Special Education Transportation Guide**
Bulletin 1886, revised in 1993, was prepared as a reference aid for everyone involved in providing special transportation to meet the unique requirements of special education students. The guide includes guidelines, procedures, requirements, and student characteristics, which relate to the provision of transportation services.

To obtain a copy of any of these bulletins or to obtain a copy of Act 754 write to:

**Louisiana Department of Education
Office of Special Education Services
P.O. Box 94064
Baton Rouge LA 70804-9064**

Some of the bulletins are also available electronically over the internet. These bulletins are located at **<http://www.doe.state.la.us>**

SAMPLE LETTER

**REQUESTING A COPY OF A
PARTICULAR BULLETIN
(Be sure to keep a copy for your records)**

(Date)

Louisiana Department of Education
Office of Special Education Services
P.O. Box 94064
Baton Rouge LA 70804-9064

Re: Copy of Bulletins 1706, 1508

Dear Sir or Madam:

I am the parent of a special education student. I want to request a copy of Bulletins 1706 and 1508.

Please mail a copy of each publication to me at the following address:

(Parent's address)

Thank you for your assistance.

Sincerely,

(Parent's name)

ADDITIONAL RIGHTS UNDER SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT (ADA)

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 requires schools which receive federal funding to make their programs accessible to all students. This chapter will describe the concepts of program accessibility and physical accessibility as defined by federal and state law. In addition, Section 504 protections for students and others not covered by the Individuals with Disabilities Education Act (IDEA) will be discussed. Finally, the Americans with Disabilities Act (ADA) will be contrasted to Section 504.

OVERVIEW OF SECTION 504

Under Section 504, **"No qualified handicapped person may be excluded from federally assisted programs or activities because a recipient's facilities are inaccessible or unusable"**. This means that because all public schools are recipients of federal funds, a student with a disability who is enrolled in a public school program is protected from discrimination by that program. Section 504 applies to programming and physical accessibility of elementary, secondary, and post-secondary schools. While there is some overlap between the concepts, "program accessibility" generally refers to making substantive program options available to all students, whereas "physical accessibility" refers to removal of physical barriers.

Section 504 is not limited to students, but includes parents. When a parent with a disability attends a school function, the parent is considered a "qualified handicapped person" and is eligible for "other services" which are to be provided by the school system in accordance with Section 504. For example, a hearing impaired parent of a non-disabled student must be provided with an interpreter (or other necessary accommodations) which would allow the parent to be able to fully participate in the school functions.

SECTION 504 & PRESCHOOL, ELEMENTARY & SECONDARY EDUCATION

Section 504 requires that all public elementary or secondary education programs must provide a free appropriate public education to each "qualified handicapped person," who is within the jurisdiction of that school regardless of the nature or severity of the person's disability. Some definitions that are important to understand in relation to section 504 are as follows:

- “Handicapped Person” is defined as any person who (i) has a physical or mental impairment which substantially limits one or more major life activities (functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working), (ii) has a record of such impairment or (iii) is regarded as having such an impairment.
- “Qualified Handicapped Person” is defined, with respect to public preschool, elementary, secondary or adult educational services, as a person with a disability of (i) an age during which persons without a disability are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to persons with a disability or (iii) to whom a state is required to provide a free appropriate public education under 612 of the Individuals with Disabilities Education Act.

An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of the person with a disability as adequately as the needs of persons without a disability are met. An appropriate education may include where appropriate the provision of assistive technology devices and services.

Section 504 also applies to nonacademic and extracurricular services. These services will be provided in a manner to allow students with a disability an equal opportunity for participation in those services. Some of these activities and services are counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies which provide assistance to persons with disabilities and employment of students including both by the school and assistance in making available outside employment.

PROGRAM ACCESSIBILITY

Under Section 504, a student with a disability must have an equal opportunity to participate in his/her school's services and activities such as: counseling, athletics, transportation, health services, school-sponsored clubs, vocational programs, and social activities. These services must be offered in a way that gives students with disabilities an equal opportunity for participation.

In order to provide program accessibility, structural changes may be necessary. However, Section 504 does not require that each and every part of an existing facility be made accessible or that structural changes be made where other methods are

effective in achieving program accessibility. Compliance with this requirement may be achieved in a number of ways; however, priority must be given to methods that will assure the provision of services in the most appropriate integrated setting. State law also requires that school systems give priority to those methods and activities (i.e., reassignment of classes) that offer programs and activities to persons with disabilities in the most appropriate integrated setting.

According to Louisiana Department of Education Bulletin 1706, program accessibility may be accomplished through one of the following: alteration of existing facilities; non-structural changes; redesign of equipment; assignment of communicative aids; reassignment of classes or other services to accessible buildings; assignment of aides to children; home visits; and delivery of health, welfare, or other social services at alternative accessible sites.

As noted, structural changes in facilities do not need to be made where other methods effectively ensure program accessibility. However, where structural changes **are** necessary, they must be made as expeditiously as possible.

PHYSICAL ACCESSIBILITY

Under Section 504, "Construction of new facilities (after June 3, 1977) as well as alterations that could affect access to, and use of existing facilities, must be designed and constructed so that the facility is accessible to and usable by handicapped persons."

Alterations to facilities should provide physical accessibility "to the maximum extent feasible." Recipients of federal funds must comply with the American National Standards Institute, Inc. (ANSI) standards in making buildings accessible. The ANSI standards do provide for waivers which allow the use of other methods that accomplish accessibility; therefore, departures from the ANSI standards are permitted.

Bulletin 1706 provides that facilities used by school systems, directly or through contractual arrangement, must be accessible to and usable by exceptional persons. Architectural barriers must not prevent an exceptional child from being educated in the least restrictive educational environment.

Under state law, all newly constructed facilities must meet ANSI standards and be readily accessible to and usable by persons with disabilities.

SECTION 504 & RELATED SERVICES

In addition to physical and program accommodations as discussed above, Section 504, in its definition, includes related aids and services. Recent cases have held that certain services and devices are necessary for children with disabilities who, although are not in special education, are eligible under section 504. Some services that 504, depending on the child, may include instruction in Braille and its uses, services addressing language and communication needs and behavioral strategies. For example, a child qualifying under section 504, only, who does not require a computer to obtain educational benefit, may be entitled to an adapted computer if nondisabled students are provided access to computers.

HOW SECTION 504 DIFFERS FROM IDEA

Both Section 504 and IDEA are aimed at eliminating discrimination against children with disabilities in public education systems and institutions. However, IDEA defines eligibility for services in terms of discreet and defined categories of eligibility which exclude some children with disabilities. Because Section 504 has an extremely broad definition of "handicapped," it protects many such students who are not eligible for special education services under IDEA. For example, a student with an orthopedic disability who is in regular education is protected by Section 504, as is a child diagnosed with Attention Deficit Disorder (ADD) whose disability is deemed not to meet certain classification criteria (such as learning disabled or behavior disordered) necessary to receive special education services. Also protected by Section 504 are children who are "perceived" as disabled such as children who are HIV positive or who are hepatitis carriers.

Section 504 guidelines for education services are similar to those of IDEA. They state that an **appropriate education** is providing regular or special education and related aids and services so that:

- Education services are designed to meet "handicapped" children's individual educational needs as adequately as the needs of "non-handicapped" persons.
- Each "handicapped" child is educated with "non-handicapped" children, to the maximum extent appropriate to the needs of the "handicapped" child.
- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education and related services.

- Due process procedures are established so that parents and guardians can review evaluation and placement decisions made concerning their children and can participate and be represented by counsel in any impartial hearing.

There are other distinctions between the protections of Section 504 and the IDEA. IDEA regulations outline the fiscal, administrative, and programmatic standards by which "free appropriate public education" is provided to children with disabilities. Section 504, on the other hand, covers all services and programs made generally available to non-handicapped persons and specifies that a disabled child may not be provided with less than his or her non-disabled peers. For example:

- In contrast to IDEA, which is federally funded, Section 504 does not provide federal funds or directly control distribution of such funds.
- IDEA covers those children with disabilities aged three to twenty-one whereas Section 504 implicates rights of "handicapped" persons of all ages.
- IDEA requires the development of an IEP for each disabled child, including academic and related services, with the state as the guarantor of such services. Section 504 requires no such program, only that "handicapped" children receive adequate treatment and services that may be required to meet their needs, the same as other persons served by the recipient of federal funds, with no state guarantee for services.
- The responsibility for the enforcement of Section 504 rests with the Office for Civil Rights, Department of Health and Human Services. The Department of Education is responsible for the implementation of the IDEA.
- Finally, unlike IDEA, the Section 504 regulations do not establish an administrative due process hearing and appeals mechanism.

Complaints for violations of the requirements of Section 504 may be filed with the U.S. Department of Education's Office of Civil Rights (OCR).

REQUESTING ACCOMMODATIONS AND SUBSEQUENT ACTIONS

If you believe that your child may need or qualifies to receive special educational services under Section 504/ADA you should approach your child's teacher to see if she has noted the same types of behaviors that you have. You may also ask your child's principal who is responsible for evaluating children under 504/ADA and then write that person a letter requesting that your child be evaluated. The School Building

Level Committee (SBLC) decides if your child qualifies for Section 504 assistance. If you make a request to the SBLC to have your child evaluated and nothing happens, you should contact the Parish Coordinator for Section 504/ADA. (In order to find out who your parish coordinator is you may contact Families Helping Families at 1-800-776-7736.) Finally, if after contacting your parish coordinator you are still dissatisfied with the school's efforts in addressing your request you may want to file a complaint with the office of Civil Rights.

RIGHTS UNDER THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act, which became effective in January 1992, takes Section 504 a step further. The ADA applies not only to federal places of employment and programs and services that receive federal funds, but also to privately operated accommodations and services. It requires all public accommodations - including school buildings - to be accessible to persons with disabilities. Thus in the future a student cannot be denied placement in his or her neighborhood schools because the buildings are inaccessible. The ADA requires that accommodations be provided to a student to enable him or her to attend and benefit from any education programs.

Some of the physical accessibility requirements of ADA are being phased in, and there are certain exceptions (for example, for historic buildings). To inquire about the regulations regarding the accessibility requirements of a particular building, contact your local Fire Marshal's office.

At the time this booklet was published, Bulletin 1706 was being revised. The sections mentioned were correct at the time of publication of this booklet. However, when the revision of 1706 is complete, some of the section numbers may be different from those listed.

For information concerning the programming and placement of a child see: Bulletin 1706 §462, 463. For more information concerning the Americans with Disabilities Act of 1990 (ADA) see: 42 U.S.C. §12101; 34 C.F.R. §104. For more information concerning Section 504, see: 29 U.S.C. §701-794; 28 C.F.R. §35; and 28 C.F.R. §36.

SAMPLE LETTER

**REQUESTING A SECTION 504 EVALUATION
(Be sure to keep a copy for your records)**

(Date)

(Name of Superintendent or Section 504 Coordinator)

(Name of School System)

(Address)

Dear (Name of Superintendent Coordinator)

I am the parent of (name of student). I believe that s/he needs to be evaluated for services under Section 504 of the Rehabilitation Act of 1973.

I believe my child needs this evaluation because (give reasons) (see examples below).

I understand that the school must conduct a Section 504 evaluation of the needs of children with disabilities and devise appropriate programs for them, even if they are not eligible for special education under IDEA.

Thank you for your help. I look forward to hearing from you within five school days of the date you receive this letter.

Sincerely,

(Parent's name, address, and telephone number)

cc: (School Principal)

Examples:

1. Amy has an orthopedic impairment, which limits her use of her hands. She needs accommodations in order to participate in a regular classroom.
2. Brian has been diagnosed as having ADHD. Because of this disability, he may need a specialized program.