

Procedural Requirements of Section 504

To be in compliance with Section 504, school districts must do the following:

1. Provide written assurance of nondiscrimination whenever the district receives federal money (e.g., on the LEA application). 34 CFR Section 104.5(a)
2. Designate an employee to coordinate compliance with Section 504 (if there are more than 15 employees). 34 CFR Section 104.7(a)
3. Provide grievance procedures to resolve complaints of discrimination (if more than 15 employees); this does not apply to denial of employment. 34 CFR Section 104.7(b)
Note: students, parents or employees are entitled to file grievances.
A grievance procedure like that afforded to parents under the Family Educational Rights and Privacy Act for resolving disputes about student records would suffice.
4. Provide notice to students, parents, employees, unions, and professional organizations of nondiscrimination in admission or access to, or treatment or employment in, its programs or activities (if more than 15 employees). Notice must also specify the responsible employees. Notice must be included in student/parent handbook. 34 CFR Section 104.8
5. Annually identify and locate all Section 504 qualified children with disabilities in the district's geographic area who are not receiving a public education. 34 CFR Section 104.32(a)
6. Annually notify persons with disabilities and their parents or guardians of the district's responsibilities under Section 504. 34 CFR Section 104.32(b)
7. Provide parents or guardians with procedural safeguards:
 - a. Notice of their rights (a sample notice can be found in the appendix);
 - b. An opportunity to review relevant records; and
 - c. An impartial hearing. It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabilities. If the district proposes to change the student's placement and the parent files a request for a hearing, the district is obligated to maintain the student's placement until administrative proceedings are completed. The parents' right to an impartial hearing includes the right to an opportunity for participation and representation by counsel, and the right to a review procedure.