



# Sumner County Board of Education

Del R. Phillips III, Ph.D.

Director of Schools

695 East Main Street Gallatin, TN 37066-2472

Dear Parent/Guardian:

It is noted on your child's School Health Information Request form that he/she may have an impairment that substantially limits major life activities. With that information and in accordance with Section 504, a federal law designed to eliminate discrimination based on the rights of individuals with disabilities, your child is eligible to receive further consideration and evaluation regarding possible educational accommodations for his/her disability. You may accept or decline an initial evaluation for eligibility under Section 504. To ensure that you are informed of your rights with this law, a Section 504 Notice of Parent and Student Rights/Procedural Safeguards is attached.

If you would like consideration for your child's needs under Section 504, we will send home a *Consent for Evaluation* form in the next few weeks. This form must be completed, with the appropriate box checked (give permission), for the evaluation process to begin.

If you provide permission for an evaluation, the process will include your input, a possible request for your child's health data, and other pertinent information from sources such as teachers and counselors. This data will be used to consider whether your child meets the eligibility criteria for having a disability that substantially limits a major life activity. If it is determined that your child is eligible under Section 504, then a team (that includes parents/guardians) will meet to develop a 504 Accommodation Plan/Equal Educational Opportunity Plan (EEOP).

However, if you decide to decline the consideration for a Section 504 plan, then the information from the Health Information form and/or Individual Health Plan (IHP) will stand alone in meeting your child's needs. The school nurse will address the health/medical information.

In summary, we ask that you make the choice for your child that you believe will best meet his/her needs. Please complete this form at this time or complete and return it to school with your child as soon as possible. The evaluation will occur or not according to your decision.

Please contact your school's Section 504 designee, \_\_\_\_\_, if you have any questions.

### Please complete and return:

**Yes, please provide a consent form. I would like my child to be evaluated to determine if he/she meets the criteria for a Section 504 accommodation plan (EEOP).**

**No, I do not want an evaluation for my child for a Section 504 accommodation plan (EEOP). I have been provided my rights and know that I may request this evaluation if a need for accommodations arises later.**

**My signature below also indicates that I have reviewed the attached Section 504 Notice of Parent and Student Rights/Procedural Safeguards.**

**Student Name (Please print.)** \_\_\_\_\_

**Parent/Guardian Name (Please print.)** \_\_\_\_\_

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

*Board of Education Members*

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## Procedural Safeguards available to Parents and Students under Section 504/ADA

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a federal nondiscrimination statute. 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 nondisabled students. The purpose of this notice is to outline and inform you of the rights assured by Section 504. The enabling regulations for Section 504 at 34 CFR Part 104, entitle students to the following rights:

1. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on nondisabled 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.
3. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent change in placement. 34 CFR 104.35.
6. Testing and other evaluation procedures must conform to the requirement 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, anecdotal reports, and assessment scores. 34 CFR 104.35.
7. Placement decisions must be made by a group of persons (i.e., 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.
8. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
9. 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 104.36.
10. You have the right to examine relevant records. 34 CFR 104.36.
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written request for a due process hearing with the district's Section 504 Coordinator.
13. 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.
14. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office, which covers Tennessee, is: Office for Civil Rights, 61 Forsythe Street, SW, Suite 19T10, Atlanta, GA 30323. Phone: (404) 974-9406.

**The person in this district who is responsible for ensuring that the district complies with Section 504 is Selena Elmore, SCS Section 504 District Coordinator. You may contact Mrs. Elmore at 615-451-6598 or [selena.elmore@sumnerschools.org](mailto:selena.elmore@sumnerschools.org).**

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