

# Rights of Parents and Students Under Section 504, Subpart D and Hawai'i Law and Regulations

Hawai'i State Department of Education

*You have the right to be informed by the school of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school's decisions.*

## WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

## YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free appropriate public education.
- Participate in and benefit from the school's educational programs without discrimination.
- Be provided an equal opportunity to participate in the school's nonacademic and extracurricular activities.
- Be educated with students without disabilities to the maximum extent appropriate.
- Be educated in a school and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related services without cost, except for those fees imposed on the parent(s)/legal guardian(s) of children without disabilities.

## YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. In cases of financial hardship, the Hawaii State Department of Education (Department) may waive the reproduction cost.
- Request the school to amend your child's education records if you believe that they are inaccurate, misleading, or in violation of your child's privacy rights. If the school refuses this request, you have the right to challenge the refusal by requesting an impartial due process hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

## THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the school takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team," including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources. Examples of sources include, but are not limited to the following: grades or progress reports, parent(s)/legal guardian(s) input, teacher input, observations, disciplinary referrals, and formal testing.
- Refuse consent for the evaluation and provision of services under Section 504.
- Develop a Section 504 plan when accommodations and related services are necessary to receive a free appropriate public education to access their equal educational opportunities.

If your child is eligible under Section 504, your child has a right to periodic reevaluations, including reevaluations before any significant change is made in your child's program and/or placement. Should you have any questions or concerns regarding your child's Section 504 plan, contact your school administrator or complex area superintendent for assistance.

## IF YOU DISAGREE WITH THE SCHOOL'S DECISION

If you disagree with the school's decision regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Requests for an impartial due process hearing are to be filed in writing to the complex area superintendent of your child's school.

You have the right to file a complaint of discrimination with the Department's Civil Rights Compliance Branch.

Hawai'i State Department of Education  
Civil Rights Compliance Branch  
Email: [CRCB@k12.hi.us](mailto:CRCB@k12.hi.us)  
Phone: (808) 784-6325

You also have the right to file with the U.S. Department of Education's Office for Civil Rights (OCR).

U.S. Department of Education  
Office for Civil Rights (OCR)  
915 Second Ave, Room 3310  
Seattle, WA 98174-1099

