



SECTION 504 OF THE REHABILITATION ACT OF 1973 PROCEDURAL SAFEGUARDS

No qualified student with a disability in Fairfax County Public Schools shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity offered by the school division. In respect to actions regarding the identification, evaluation, and/or placement of students with disabilities under Section 504, the following procedural safeguards shall be provided:

- Notice shall be provided to a student's parent or guardian prior to evaluation, reevaluation, and/or significant change in placement.
- Decisions regarding the identification, evaluation, and accommodations/modifications for a student qualified under Section 504 shall be made by a committee of individuals who are knowledgeable about the student.
- The parent(s) or guardian shall have the opportunity to examine the student's educational records.
- An evaluation may consist of a review of existing records and/or information from a variety of sources, such as observations, teacher reports, and results of informal and/or formal assessments. If formal assessments are used, they shall be administered in the student's primary language or mode of communication, unless it is clearly not feasible to do so; validated for the purposes for which they are used; and administered by trained personnel in conformance with the instructions provided by the publisher. Assessments shall be fair and nondiscriminatory and, if requested by the local screening committee, shall be provided at no cost to the parent. Parental consent shall be obtained prior to the initiation of assessments.
- The student shall be re-evaluated prior to reconsideration of qualification as a student with a disability under Section 504.
- For acts of misconduct, when a decision is made to remove a 504-qualified student from school for more than ten consecutive school days or when the 504-qualified student is subjected to a series of removals during a school year that constitute a pattern and accumulates more than ten school days, a knowledgeable committee shall convene to determine whether the student's conduct was caused by the student's disability.
- The student's parent(s) or guardian shall have the opportunity to appeal decisions concerning the student's identification, evaluation, accommodations/modifications, or causality determination in a discipline case. The parent(s) or guardian may request an administrative review, mediation, and/or due process hearing.

Compliance with Section 504 is coordinated by the director, Office of Design and Construction Services (703 246-3632), when it concerns access to facilities, and by the coordinator, Monitoring and Compliance Section (571 423-4210), when it concerns student programs and activities. Appeals should be sent to the coordinator of Monitoring and Compliance.