

MERRIMACK SCHOOL DISTRICT

36 McElwain Street, Merrimack, New Hampshire 03054

Procedural Safeguards: Notice of Rights SECTION 504 of the Vocational Rehabilitation Act of 1973 [Section 504]

The following is a description of the rights granted by federal law to students with disabilities. The intent of this Notice is to ensure that you are fully informed concerning decisions about your child and to inform you of your rights under Section 504, including your rights if you disagree with any of the decisions or actions by the Merrimack School District or your child's Section 504 Team pertaining to your child's rights under Section 504.

1. Section 504 of the 1973 Rehabilitation Act is a non-discrimination statute barring discrimination because of one's disability. The intent of this law is to ensure that disabled students have equal access to the educational opportunities and benefits provided by the Merrimack School District.
2. An eligible student under Section 504 is a student who has a physical or mental impairment which substantially limits one or more major life activities such as, but not limited to, learning, reading, concentrating, thinking, communicating, speaking, working, self-care, performing manual tasks, seeing, hearing, eating sleeping, walking, standing lifting, bending, or breathing. The term "major life activities" also includes a student's major bodily functions, including functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems. The law also protects students from discrimination who are regarded as having a physical or mental impairment that substantially limits a major life activity, or has a record of such an impairment. It is the policy of the Merrimack School District not to discriminate because of disability in its educational programs, activities, opportunities, and benefits. 34 C.F.R. 104.21.
3. Your child is entitled to receive a Free and Appropriate Public Education (FAPE) which is designed to meet his/her individual needs as adequately as the needs of non-disabled students are met. 34CFR.104.33.
4. Pursuant to Section 504, the Merrimack School District seeks to locate and identify those students who may be qualified individuals with disabilities under Section 504. 34 CFR 104.32. The Merrimack School District does such through evaluation procedures which conform to the regulatory requirements of 34 CFR 104.35. The Merrimack School District's Section 504 Teams will 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, and anecdotal reports.
5. Your child has a right to evaluation procedures as described in #3 above prior to an initial Section 504 placement and any subsequent significant change in placement. If your child is deemed eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 C.F.R. 104.36.
6. As a parent/guardian, you have a right to participate in the decision-making process and provide input into the evaluation and planning process for your child in the process of Section

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504 eligibility determination and service provision. 34 C.F.R. 104.36 You have a right to notice of any action by the Merrimack School District with regard to the identification, evaluation or placement of your child.

7. Your Child's Section 504 Team will determine what reasonable accommodations are necessary to ensure that your child has equal access to the Merrimack School District's educational programs, activities and benefits. You have the right to participate in meetings of the Team. The Section 504 Team will, whenever feasible, include 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 C.F.R. 104.35.
8. Parents are entitled to have an opportunity to examine their child's educational records consistent with procedures set forth in Section 504 and state law. If there is a reasonable cause to believe that these records are inaccurate, misleading, or otherwise in violation of the privacy rights of your child, parents can request an amendment of said records. 34CFR.104.36 For more information regarding your rights as they pertain to student records, you should review the Merrimack School District's policy on this matter.
9. Parents have the right to seek an impartial due process hearing by filing a written request with the Merrimack School District 104.36. The NH Dept. of Education neither enforces Section 504 nor provides impartial hearings pertaining to Section 504. The Merrimack School District will select an impartial hearing officer who is knowledgeable about Section 504 and the Americans with Disabilities Act ["ADA"] to hear the matter and issue a written decision. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. 34 C.F.R 104.36.
10. Parents have a right to file a discrimination complaint/grievance via the Merrimack school District's Complaint Resolution Procedures for Section 504, MSD School Board Policy KED, or to file a complaint/grievance with: The U.S. Department of Education, Office for Civil Rights: Boston Office. 5 Post Office Square, Eighth Floor, Boston, Massachusetts 02109-3921. Tel: (617) 289-0111/TTY: (877) 521-2172/ FAX: (617) 289-0150/
[www.ed.gov/OCR.Boston@ed.gov](http://www.ed.gov/OCR/Boston@ed.gov)

The Merrimack School District has designated the following individual as its Section 504 Coordinator:

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