What do I do if I think my child is being discriminated against?

Any person who has a complaint that discrimination on the basis of disability exists in any program funded with any form of federal funding may notify the Office for Civil Rights (OCR).

The complaint should explain:

1) Who was discriminated against;
2) In what way;
3) By whom or what institution;
4) When the discrimination took place;
5) Who was harmed;
6) Who can be contacted for further information;
7) The name, address and telephone number of the complainant; and
8) Background information.

In Oklahoma, a written complaint should be filed with:

Office for Civil Rights
Kansas City Office
U.S. Department of Education
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Phone: (816) 268-0550
Fax: (816) 268-0599
Email: OCR.KansasCity@ed.gov

On-line complaint form:
http://www2.ed.gov/about/offices/list/ocr/complaintintro.html

The Office for Civil Rights will review only those actions which occurred within six months (180 days) of the date a complaint is filed.

Mission Statement:

The Oklahoma Parents Center is dedicated to the equality of children and adults with disabilities. Our mission is to train, inform, educate and support parents, families, professionals and consumers in building partnerships that meet the needs of children and youth with the full range of disabilities ages birth through twenty-six.

Like us on Facebook at
https://www.facebook.com/OkParentsCenter/

P.O. Box 512
Holdenville, Oklahoma 74848
www.OklahomaParentsCenter.org

A Parents’ Guide to Section 504 of the Rehabilitation Act of 1973

Toll Free: 877-553-4332
www.OklahomaParentsCenter.org
What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (Section 504) forbids discrimination, on the basis of disability, in any program or activity receiving any form of Federal financial assistance.

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...

What is a qualified disability?

Section 504 defines a person with a disability as any person who:

1) Has a physical or mental impairment which substantially limits one or more major life activities; or
2) Has a record of such an impairment; or
3) Is regarded as having such impairment.

Disabilities may include conditions such as specific learning disabilities, diabetes, epilepsy and allergies. In addition, hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious, but if they substantially limit that child’s ability to receive an appropriate education as defined by Section 504, they may be considered to have an “impairment” under Section 504 standards.

As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of non-disabled students.

What’s New with Section 504?

Effective January 2009 eligibility for protection under Section 504 of the Rehabilitation Act became broader.

Some students who did not qualify may now qualify for Section 504 plans.

Students with such plans may now qualify for additional supports, services, auxiliary aids and/or accommodations in public schools. These positive changes are the results of the Americans with Disabilities Act Amendments Act (ADAAA).

What does this mean for my child who has a disability?

Equal physical access must be provided so that a student in a wheel chair or one who has limited mobility can participate with other students. A student may be disabled within the meaning of Section 504, and therefore be entitled special education and related services even though the student may not be eligible for special education under IDEA (Individuals with Disabilities Education Act).

It also means that schools may be responsible for providing special education and related services to students who qualify as disabled under Section 504.

What If I Need More Information?

Ask the principal or your special education director who the 504 coordinator is and schedule a time to talk to that person.

Each school district has a 504 Coordinator who can answer questions about the availability of services and how the process works.

The U.S. Department of Education’s website has tons of information regarding Section 504.

www2.ed.gov/about/offices/list/ocr/504faq.html

The Oklahoma Parents Center’s website has more information regarding Section 504. Please visit our Brochures and Fact Sheets.

http://oklahomaparentscenter.org/resources/brochures/