

NOTICE OF PARENT and STUDENT RIGHTS and PROCEDURAL SAFEGUARDS  
Section 504, The Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a federal nondiscrimination statute. The purpose of the Act is to prohibit

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

**Manifestation determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), The Aiken County Public Schools, the parent, and relevant members of the 504 Team (as determined by the parent and The Aiken County Public Schools ) must review all relevant information in the student's file, including the child's 504, any teacher observations, and any relevant information provided by the parents to determine:

- I. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**
- II. If the conduct in question was the direct result of The Aiken County Public Schools' failure to implement the child's 504.  
If The Aiken County Public Schools, the parent, and relevant members of the child's 504 Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.  
If The Aiken County Public Schools, the parent, and relevant members of the child's 504 Team determine that the conduct in question was the direct result of The Aiken County Public Schools' failure to implement the 504, The Aiken County Public Schools must take immediate action to remedy those deficiencies.

**Determination that behavior was a manifestation of the child's disability**

If The Aiken County Public Schools, the parent, and relevant members of the 504 Team determine that the conduct was a manifestation of the child's disability, the 504 Team must either:

- a) Conduct a functional behavioral assessment, unless The Aiken County Public Schools had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
- b) If a behavioral intervention plan is developed, it must be based on the results of the functional behavioral assessment and must include strategies to address the behavior that resulted in the change of placement.

The 504 Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings **Additional authority** and **Special circumstances**, above.

#### **Appeal**

See #15 below.

#### **General**

If a child has not been determined eligible for Section 504 and violates a code of student conduct, but The Aiken County Public Schools had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

#### **Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

- I. the parent or school staff expressed suspicion of a physical or mental impairment that substantially limits a major life activity
- II. the student's file contains a record of such an impairment
- III. a student is regarded as having a disability

Referral to Law Enforcement and Other Appropriate Authorities

#### **Section 504 does not**

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**