How to Obtain Additional Information on the Nondiscrimination Rights of Students

Contact the following:

- **Your School Principal**
- **Your District Offices:**

Honolulu District
- Farrington/Kaiser/Kalani Complexes 784-6680
- Kaimuki/McKinley/Roosevelt Complexes ... 784-6690

Central Oahu District
- Aiea/Moanalua/Radford Complexes 421-4263
- Leilehua/Mililani/Waialua Complexes 622-6432

Leeward Oahu District
- Campbell/Kapolei Complexes 675-0335
- Nanakuli/Waianae Complexes 784-5696
- Pearl City/Waipahu Complexes 675-0384

Windward Oahu District
- Castle/Kahuku Complexes 784-5940
- Kailua/Kalaheo Complexes 784-5940

Hawaii District
- Honokaa/Kohala Complexes 775-8895
- Kealakehe/Konawaena Complexes 323-0015
- Hilo/Waiakea Complexes 974-4401
- Kau/Keaau/Pahoa Complexes 982-4252

Maui District
- Baldwin/King Kekaulike/Maui/ Hana/Lahaina/Lanai Complexes 873-3520
- Molokai Complex 553-1723

Kauai District
- Kapaa/Kauai/Waimea Complexes 274-3504

- **The HIDOE Section 504 Coordinator:**
  Office of Student Support Services
  Exceptional Support Branch
  475 22nd Avenue
  Honolulu, Hawaii 96816
  Telephone: (808) 305-9806

- **Inquiries may also be made to:**
  Office for Civil Rights
  U.S. Department of Education
  915 Second Avenue, Room 3310
  Seattle, Washington 98174-1099
  Telephone: (206) 607-1600
  Email: OCR.Seattle@ed.gov

Equal Educational Opportunity for Students Who Are Disabled

Nondiscrimination Rights
under Subpart D, Section 504 and
Hawaii Law and Regulations



Office of Student Support Services
Exceptional Support Branch
Department of Education
State of Hawaii

RS 21-0776 (Rev. of RS 20-1233) May 2021

Equal Educational Opportunity for Students Who Are Disabled

Purpose

This brochure has been developed by the Hawaii State Department of Education (HIDOE) to create an awareness of the rights of public school students with disabilities to receive an equal educational opportunity.

What is Section 504?

Section 504 is a federal civil rights law which protects persons with disabilities. Section 504 is enforced by the Office for Civil Rights (OCR), U.S. Department of Education.

- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794 [a]) provides, in relevant part, that:

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

- Subpart D of the Section 504 regulations requires public schools to provide qualified students with disabilities an education comparable to the education provided to students without disabilities.

How does Section 504 define "disability"?

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

- has a physical or mental impairment which substantially limits one or more major life activities (such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
- has a record of such an impairment; or
- is regarded as having such an impairment.

What are the school's responsibilities?

Subpart D of Section 504 (34 C.F.R. §104.35 [a]) requires schools to evaluate students who are believed to be disabled. Should the student be determined to be a qualified student with a disability, a group of persons knowledgeable about the student will develop a Section 504 plan based on the evaluation. The plan will indicate the placement and appropriate accommodation to be made to ensure that the qualified student with a disability receives an education which is comparable to that received by a student without a disability.

Schools shall make appropriate accommodation to the disability of the qualified student within the regular education program. The appropriate accommodation shall be individualized to meet the needs of the qualified student with a disability.

Some examples of appropriate accommodation within the regular education program are: seating in the front row of the classroom, modifying homework requirements, changing the way tests are given, using tape recorders or other audio-visual equipment, adjusting class schedules, selecting modified textbooks or workbooks, using behavioral management techniques, and providing a structured learning environment.

A parent/legal guardian or department representative who disagrees with the identification, evaluation, or placement of the student who is disabled or who is believed to be disabled within the meaning of Subpart D of Section 504, may examine relevant records, request an impartial hearing and be represented by counsel at the hearing, and request a review of the impartial hearing decision.

Relationship of Section 504 to IDEA

The Individuals with Disabilities Education Act (IDEA), administered by the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), also has provisions requiring states to provide a free appropriate public education (FAPE) for students who are disabled. The HIDOE has implemented these requirements under Chapter 60, Provision of a Free Appropriate Public Education for Exceptional Children Who Are Disabled. The requirements for FAPE under the IDEA (Chapter 60), are more detailed than those under Section 504. A student with a disability may be eligible for FAPE under IDEA or Section 504. In such cases where the student with a disability is eligible under IDEA, the Chapter 60 procedures shall apply. These procedures will generally ensure compliance with Section 504.

Department of Education's Assurance of Compliance

As a matter of commitment, policy, and compliance with Federal and State nondiscrimination laws, the HIDOE does not discriminate on the basis of a person's race, color, national origin (including a person's limited English proficiency), ancestry, handicap, sex (including sexual harassment), marital status, religion, age, or arrest and court record in any program or activity conducted by the HIDOE, including vocational education. This nondiscrimination policy covers admission and access to, and treatment in, the HIDOE's educational and employment programs and activities, including vocational education.