

Procedural Safeguards Notice
Section 504 of the Rehabilitation Act of 1973

It is important that you understand that a parent or person in a parental relationship to a student has the following legal rights according to Section 504 of the Rehabilitation Act of 1973

Referral and Evaluation Process

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation.

The Section 504 Committee shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options.

The student's parent or person in parental relationship shall be notified of the Section-504 Committee meeting at least 5 calendar days prior to the meeting and shall be invited to participate in the meeting.

The Section 504 Committee shall consider all relevant information about the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, etc.

The Section 504 Committee has the responsibility to refer a student to the Committee on Special Education (CSE) if the 504 Committee believes the student may have an educational disability, which may be more appropriately addressed by the CSE.

Accommodation Plan

The Section 504 Committee shall determine whether the student is disabled under Section 504, and, if so, shall develop a written educational plan determining the accommodations, services or programs that will be provided to meet the student's needs.

Review of the Student's Evaluation and Plan

The Section 504 Committee shall meet periodically to review the student's evaluation and plan. In addition, prior to any significant change in the plan, a review or reassessment of the student's needs shall be conducted.

Procedural Safeguards

The parent or person in parental relationship shall be notified in writing of any district decision concerning the identification, evaluation, and placement of their child.

The parent or person in parental relationship shall have the right to examine the student's records.

Parents or persons in parental relationship who disagree with the identification, evaluation or placement of their child have the right and responsibility to exhaust their administrative remedies by filing a complaint as set forth below. If the district's response to the complaint is not satisfactory to the parent or person in parental relationship, then the parent or person in parental relationship has the right to request an impartial hearing in accordance with rules set forth below.

Complaint Process

Parents and persons in parental relationship may initiate complaints regarding the referral, evaluation, determination, development and implementation of a 504 plan, by requesting that the district's 504 Compliance Office review the decision made by the Section 504 Committee and/or any other decision rendered by authorized district personnel with respect to the referral, evaluation, development and/or implementation of an accommodation plan under Section 504. If the Compliance Office served as the Chair of the 504 Committee that made the decision complained of, or if the Compliance Officer otherwise personally made the decision complained of, the parents may request that the Superintendent review the decision that is being challenged. Such a request shall be made in writing, within ten (10) calendar days from the date that notice was given to the parent or person in parental relationship about the decision that is being challenged. Within fifteen (15) calendar days of receipt of such request for review, the Compliance Officer or Superintendent (as applicable) shall issue a written decision.

Impartial Hearing

If, after following the complaint process described immediately above, a parent or person in parental relationship is dissatisfied with the determination issued in response to his or her complaint, he or she may request an impartial hearing. The hearing request must be made in writing and must be *received* by the Superintendent within thirty (30) calendar days from the date of the determination that is being challenged. The written request shall contain the following:

- (a) The specific nature of the decision(s) made by the district with which the parent or person in parental relationship disagrees.
- (b) The specific relief sought.
- (c) Any other information the parent or person in parental relationship believes will assist the district and the designating hearing officer in understanding the reasons for which the hearing is requested.

The Superintendent shall select an impartial hearing officer who is qualified to review district decisions relating to Section 504, and is not an employee of the district.

The hearing shall be conducted within sixty (60) calendar days after the Superintendent's receipt of the request for an impartial hearing. The Superintendent shall mail written notice of the date, time, and place of the hearing to the parent or person in parental relationship, at least fourteen (14) calendar days prior to date of the hearing (unless this notice period is waived by the parent or person in parental relationship) and shall grant any reasonable request to reschedule the hearing.

The party requesting the hearing shall have the burden of production and the burden of proof. Any party to the hearing shall be afforded the following rights:

- (a) The right to present written and/or oral evidence; provided, however, that any exhibits to be admitted into evidence shall be submitted at least four (4) school days prior to the hearing.
- (b) The right to examine relevant records.
- (c) The right to be accompanied and advised by counsel at his or her own expense.

The district shall make a record of the proceedings. The impartial hearing officer shall prepare a written decision and send the decision to both parties within fifteen (15) calendar days of the completion of the impartial hearing.

The impartial hearing officer's decision may be appealed to the district's Board of Education. Such appeals shall be made in writing within thirty (30) calendar days of the date of the decision of the impartial hearing officer. The Board of Education shall act on the appeal within thirty (30) calendar days of receipt of the appeal request.

A copy of this Procedural Safeguards Notice shall be provided by the district, whether or not requested by the parent or person in parental relationship, whenever a parent or person in parental relationship files a complaint or requests an impartial hearing in accordance with the procedures set forth herein. All communication to the parent or person in parental relationship shall be in English or in the native language or mode of communication of the parent or person in parental relationship.

