

Estell Manor School District

Procedural Safeguards/Parent Rights Under Section 504

Parents/guardians should be provided notice of their rights under Section 504:

- When Parent/Guardian Notice of Initial Referral is delivered
- When eligibility is determined.
- When a plan is developed.
- Before there is a significant change in the plan for services.

You have the right to:

- Have your child take part in and receive benefits from public education without discrimination because of his/her handicapping condition.
- Have your child educated in facilities and receive services comparable to those provided non-handicapped students.
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
- Have an evaluation that draws on information from a variety of sources and by persons who know the student, the evaluation data and placement options.
- Be informed of any proposed actions related to eligibility and plan for services.
- Examine all relevant educational records and assessments relating to decisions regarding your child's identification, evaluation, educational program and placement.
- Receive all information in your native language and primary mode of communication.
- Periodic re-evaluations and an evaluation before any significant change in program/service modifications.
- File a grievance with the school district over an alleged violation of Section 504 regulations.
- Appeal a decision pertaining to identification, evaluation and education placement through a due process hearing.
- An impartial hearing if there is disagreement with the school district's proposed action not resolved through the initial hearing.
- Be represented by counsel in the impartial hearing process.
- Appeal the impartial hearing officer's decision.
- Obtain copies of educational records at reasonable cost unless the fee would effectively deny you access to the records.
- A response from the school district to reasonable requests for explanations and interpretations of your child's records.
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing.

Grievance Procedures and Appeal Process

It is against the law to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. Any grievance alleging discrimination **must** be filed with the Case Manager within 30 business days of the alleged act of discrimination. Every effort will be made to settle the complaint informally.

If the parent feels the complaint cannot be resolved through informal means, the parent/guardian may file a grievance to appeal the decision made by the 504 Team. The grievance should first be filed with the 504 Case Manager. The grievance should be submitted in writing stating the nature of the grievance. The Case Manager will invite the parent/guardian to a meeting within 10 business days of receipt of the grievance. The Case Manager will provide a written response to the grievance within 10 business days of the meeting.

If the parent/guardian is dissatisfied with the Case Manager's response, the parent/guardian may appeal the decision to the Superintendent. This appeal must be made in writing within 10 business days of receipt of the Case Manager's response.

The Superintendent will review the written documents and may conduct a factual inquiry and hold a conference as necessary to make a determination of whether there was a violation of the student's civil rights. The Superintendent will provide a written response within 10 business days of receiving a parent/guardian's letter of dissatisfaction unless additional time is necessary to complete any investigation.

If the parent/guardian is dissatisfied with the Superintendent's response, the parent/guardian may appeal the decision to the Board of Education. This appeal must be made in writing within five (5) business days of receiving the Superintendent's response.

The Board of Education will then conduct a hearing pursuant to Board Policy regarding Hearings Before the Board. The Board will provide a final written decision within 30 business days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

The parent/guardian is not required to exhaust these grievance procedures before seeking a Section 504 impartial hearing. A parent/guardian may request an impartial hearing at any time. These procedures cannot be used to deny or delay a parent's right to a hearing.

A Section 504 impartial hearing is facilitated by the school district and the school district obtains the hearing officer to hear and decide the case. Employees, board members of the school district, and those under contract by the school district are prohibited from serving as the hearing officer. Section 504 regulations do not require that the selection of the hearing officer be a mutually agreed upon decision between the school district and the parents/guardians.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.