



NOTICE OF PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT UNDER SECTION 504

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, the following Notice of Parent/Student Rights in Identification, Evaluation and Placement shall be utilized in Southwest Allen County Schools.

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks.

The following list of rights are given to insure the parents and/or students' awareness of the regulations about the evaluations of and/or special instructions, which may be offered to his/her child. Should the parent and/or student have any questions, contact Jeanine Kleber, Director of Student Learning at (260) 431-2021.

The enabling regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability.
2. You have the right to be informed by the school district of your rights under Section 504. (The purpose of this Notice is to advise you of those rights.)
3. You have the right to receive notice with respect to the identification, evaluation or placement of your child.
4. Have your child receive a free appropriate public education? This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school corporation make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to

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nondisabled students.

6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA) and/or general education intervention/modifications outside of special education if s/he is found to be eligible under Section 504 of the Rehabilitation Act of 1973.
7. Have evaluation, educational and placement decisions made based upon a variety of information and sources, and by persons who know the student, evaluation data and placement options.
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the school corporation.
9. Have your child given an equal opportunity to participate in nonacademic and extra-curricular activities offered by the school corporation.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. A response from the school corporation to reasonable requests for explanations and interpretations of your child's records.
13. 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 corporation refuses this request for amendment, it shall so notify you within a reasonable time, and advise you of the right to a hearing.
14. Request mediation, an impartial hearing and an appeal of any decisions or actions taken by the school corporation regarding your child's identification, evaluation, educational program or placement under Section 504. The costs for these due process procedures will be borne by the school corporation. You and your student may take part in these proceedings and have an attorney represent you. Requests for due process may be made to the Section 504 coordinator.

The following details the Section 504 Grievance Procedures:

Step 1:

The parent and/or student who believes he/she has a valid basis for a grievance related to a student's identification, evaluation, educational program or placement under Section 504 that cannot be resolved through a 504 case conference, then shall discuss the complaint with the District 504 Coordinator.

The 504 Coordinator will investigate and document the complaint and give a written reply to the complainant within five working days of the meeting with the complainant.

Step 2:

If the complaint is not satisfactorily resolved through Step 1, the grievance may be filed in writing by the complainant. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the 504 Coordinator within five working days of the disposition of Step 1.

The 504 Coordinator will appoint a hearing officer within five working days of receipt of the written complaint.

The hearing officer will conduct a hearing regarding the alleged grievance within 20 working days of appointment. The hearing officer shall give the parent or student full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent or student may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present his/her written decision to the 504 Coordinator and complainant within 10 working days of the hearing.

Mediation is an option that can be used when the student or parent and the school district cannot, through 504 case conference, resolve a grievance related to a student's identification, evaluation, educational program or placement under Section 504. Mediation may be requested by either the parent or the school district, but it cannot begin unless both parties agree to it. Mediation may occur prior to or concurrent with a request for a hearing. However, a request for mediation does not preclude or delay a hearing or the time lines involved. A mediator does not render a decision, but helps the parties reach an agreement. The mediation agreement is submitted to the student's 504 case conference for approval.

Where a hearing has been requested and a hearing officer assigned or an appeal is pending before the Board of School Trustees, the mediation agreement is submitted to the hearing officer or the Board, respectively, for approval.

Step 3:

If the complaint is not satisfactorily resolved through Step 2, the complainant may file a written appeal to the Board of School Trustees. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the Superintendent's Office within five working days of the disposition at Step 2.

The Board of School Trustees will address the complaint no later than its next regularly scheduled business meeting provided the written complaint is received in the Superintendent's Office at least one week prior to the next scheduled business meeting of the Board of School Trustees.

Within 10 working days of addressing the complaint, the Board of School Trustees will issue a written disposition of the alleged grievance through the Superintendent's Office.

Step 4:

If the complaint is not satisfactorily resolved following Step 3, the student, parent or school district may appeal to a civil court with jurisdiction and/or further appeal may be made to:

U.S. Department of Education Office for Civil Rights
500 W Madison Street, Suite 1475
Chicago, IL 60661

(Forms can be downloaded at www.ED.gov)

15. Ask for payment of reasonable attorney fees if you are successful on your claim.

The school representative responsible for assuring that the school corporation is in compliance with Section 504 is:

Jeanine Kleber
Director of Student Learning
Southwest Allen County Schools
4824 Homestead Road
Fort Wayne, IN 46814