

## 504 PROCEDURAL SAFEGUARDS

The main purpose of Section 504 of the Rehabilitation Act of 1973 is to prevent discrimination on the basis of disability. To that end, Section 504 of the Act provides, in pertinent part, as follows:

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

An eligible student under Section 504 is a student who currently has a physical or mental impairment that substantially limits one or more major life activities.

The following is a description of the rights granted by federal law to students with 504 disabilities and/or their parents or legal guardians and to those students who are suspected of having a 504 disability and/or their parents or legal guardians. Parents of students who are suspected of or identified with a disability under the Individuals with Disabilities Education Act are provided with copies of the IDEA procedural safeguards.

### **PARENT AND STUDENT RIGHTS UNDER SECTION 504:**

1. Parents and students have the right to be informed by the School District of their rights under Section 504. The purpose of these Procedural Safeguards is to advise you of those rights.

2. A child with a disability has the right to a free appropriate public education designed to meet his or her individual educational needs as adequately as the needs of nondisabled peers are met. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow the student an equal opportunity to participate in school and school-related activities.

3. A child with a disability has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. It should be noted that, under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.

4. A child with a disability has the right to take part in, and receive benefits from, public education programs without discrimination because of his/her disability.

5. The parent(s) of a child with a disability have the right to receive notice with respect to the identification, evaluation, or placement of the child.

6. A student with a disability has the right to receive services and be educated in facilities that are comparable to those provided to nondisabled students.

7. A student with a disability has the right to have evaluation, education and placement decisions made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.

8. A student with a disability has an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.

9. A student with a disability has the right to have transportation provided to and from an alternative placement setting (if the setting is in a program not operated by the District) at no greater cost to the parent than would be incurred if the student were placed in a program operated by the District.

10. The parent of a student with a disability or an eligible student (over 18) has the right to examine all relevant records relating to decisions regarding the student's identification, evaluation and placement.

11. The parents of a student with a disability or an eligible student have the right to request an impartial due process hearing relating to decisions or actions relating to the student's identification, evaluation, program or placement. The procedures for requesting an impartial due process hearing are described below.

12. The parents of a student with a disability or an eligible student have the right to file a local grievance with the District for issues unrelated to the identification, evaluation, program or placement of the student. Board policy 9130 describes the procedures for filing a grievance and can be requested by contacting: Building Principal.

Persons who believe that the District is discriminating against eligible persons on the basis of disability may also file complaints with the District's Section 504 Coordinator and/or the Office of Civil Rights, Cleveland Office, U.S. Department of Education, 1350 Euclid Avenue, Suite 325. Cleveland, Ohio 44115-1812.

The District's Section 504 Coordinator is Paul R. Wheeler and may be reached at 419-468-3432.

#### DUE PROCESS APPEAL PROCEDURES:

This procedure should be used if the parent, legal guardian or eligible student intends to challenge actions proposed or refused under 504 by the District regarding the identification, evaluation, program or placement of a student with a disability.

1. If a parent, legal guardian or eligible student intends to challenge the action proposed or refused by the District, the parent/guardian or eligible student must file a written Notice of Appeal within ten (10) [or other time frame] calendar days from the time that the parent/guardian or eligible student receives written notice of the proposed or refused action. The Notice of Appeal should be filed with:

District Superintendent

2. The Notice of Appeal must state the specific circumstances, including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The District will acknowledge, in writing, all Notice of Appeal, within 5 school days of receipt.

3. The District will, within ten (10) school days of the District's receipt of the Notice of Appeal, appoint and retain a single impartial hearing officer to hear and decide the Notice of Appeal. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the

hearing. The District is not required to consult with the parent/guardian or eligible student with respect to the hearing officer appointment.

4. Upon receipt of the Notice of Appeal, the Superintendent, or his/her designee, will promptly investigate the circumstances giving rise to the hearing request. That investigation shall not delay the District's processing of the request for hearing. In addition, within 5 working days of the receipt of the Notice of Appeal, the Superintendent, or his/her designee, will contact the parent/guardian or eligible student in an attempt to find a resolution to the issues stated in the Notice of Appeal. The parent/guardian or eligible student will be invited to participate in an information resolution meeting to give the parent/guardian or eligible student an opportunity to discuss the matters in dispute in an effort to resolve those matters without a need for a hearing. The parent/guardian or eligible student is not required to participate in such a meeting and the parent/guardian or eligible student's refusal to participate in such a meeting cannot delay or eliminate the right to an impartial hearing.

5. The parties to the hearing have the following rights:

- The right to inspect all relevant records, including personally identifiable records of the student;
- The right to be represented and advised by an attorney;
- The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
- The right to obtain a record of the hearing;
- The right to obtain written findings of fact, conclusions of law, and decision.

6. The hearing officer must hold the hearing within 15 days of his/her appointment as hearing officer. If the hearing officer's schedule does not permit a hearing within 15 days, a hearing may be held, for good reason, outside of this 15 day period.

7. The hearing officer shall render a final, written decision no later than 30 days following the completion of the hearing. A decision may be rendered after 30 days, for good cause shown. The decision of the hearing is final and binding, subject to the judicial review procedures outlined below.

8. The Galion City School District is responsible for costs directly attributable to the provision of administration hearings described in these procedures, including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The District is not responsible for the costs of legal counsel or other representative of the parent/guardian or eligible student or for the costs of producing or reproducing the evidence presented by the parent/guardian or eligible student.

9. Any timelines specified herein may be extended by agreement of the District and parent/guardian or eligible student or by order of the hearing officer.

10. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.