



**ST. LOUIS PARK PUBLIC SCHOOLS
NOTICE OF PROCEDURAL SAFEGUARDS
Section 504**

***Notice of Parent/Student Rights in the Identification, Evaluation, and
Placement of Individuals with Disabilities***

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the following Notice of Parent/Student Rights in Identification, Evaluation and Placement shall be utilized in St. Louis Park Public Schools, Independent School District No. 283 (“District”). This notice is provided to ensure that you are aware of the regulations regarding the identification, evaluation, or placement under Section 504 that may pertain to your child. Should you have questions, please contact Tami Reynolds, the Director of Student Services.

I. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, OCR’s contact information is as follows:

U. S. Department of Education
Office for Civil Rights, Chicago Office (Region V)
500 W. Madison Street Suite 1475
Chicago, Illinois 60661
(312) 730-1560
Fax: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

II. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation, or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)

- A.** Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. § 104.21.
- B.** Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a).
- C.** Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b).
- D.** Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c).
- E.** Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a).

- F.** Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c).
- G.** Your child is entitled to an evaluation prior to initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a).
- H.** Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. § 104.34(b).
- I.** Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1).
- J.** Your child is entitled to have an interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2).
- K.** Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3).
- L.** Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d).
- M.** Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the District. 34 C.F.R. § 104.37.
- N.** You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36.
- O.** You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36.
- P.** Parent(s)/guardian(s) or an eligible student may request an impartial hearing to resolve current disputes pertaining to the identification, evaluation, or educational placement of a student entitled to the protections of Section 504. The District also has the right to initiate a hearing regarding these same matters. You and the student may take part in the hearing and have an attorney represent you. The following details the procedure:

Impartial Hearing Request

1. The request for a hearing by parent(s)/guardian(s) or an eligible student must be submitted to the Section 504 Coordinator within thirty (30) school days after the alleged violation occurred, except that, if the District had not previously provided the parent(s)/guardian(s) or eligible student with notice of the right to request a hearing under this part, the claimant may submit a request for a hearing within thirty

(30) school days after the District provides such notice. For the purposes of the Impartial Hearing Process, a “school day” is a day designated by the District as a day of instruction for students.

2. The request for a hearing must: (a) be in writing; (b) state the name, address, and telephone number of the student and the student’s parent(s)/guardian(s); (c) describe the nature of the dispute, including facts relating to the dispute; and (d) state, to the extent known, the relief sought. A hearing request form may be obtained from the Section 504 Coordinator.

Hearing Officer Selection

1. Following receipt of the request for a hearing, the District will select an impartial hearing officer to preside over the dispute.
2. The District will notify the parent(s)/guardian(s) or eligible student of the appointment of the hearing officer within five (5) school days following the hearing officer’s appointment.

Hearing Procedures

1. The hearing will be recorded at the District’s expense.
2. A transcript of the hearing may be obtained by either party at the party’s expense.
3. Upon request and prior to the hearing, the parent(s) guardian(s) or eligible student will have the opportunity to examine the student’s records in accordance with applicable state and federal law.
4. The hearing officer shall hold a prehearing conference at which the complaining party or representative of such party will state and clarify the issue(s) to be addressed at the hearing. The prehearing conference may be used to resolve preliminary matters, jurisdictional issues, and answer the parties’ questions regarding the hearing process.
5. If, after the prehearing conference, the hearing officer finds that the parent, as a matter of law, alleges and raises no factual claims or legal issues that come within the hearing officer’s jurisdiction, then the hearing officer may dismiss the hearing and issue an order to that effect explaining the basis for such finding.
6. The hearing officer will conduct the hearing within forty-five (45) calendar days of the request for the hearing.
7. Any timelines specified herein may be extended (a) by mutual agreement of the District and the parent(s)/guardian(s) or eligible student or (b) by order of the hearing officer upon a showing of good cause.

8. The student and parent(s) and the District may be assisted or represented, at their own expense, by individuals of their own choice, including an attorney.
9. The hearing officer shall give the parent, student, or their representative and the District a full and fair opportunity to present evidence relevant to the issues raised in the hearing request. The party that requested the hearing may not raise issues at the hearing that were not raised in the written request for a hearing unless the other party agrees otherwise.
10. The party filing the request for hearing bears the burden of proof.
11. The parties may submit, at the hearing officer's discretion, post-hearing briefs or written arguments summarizing and characterizing the information presented at the hearing and providing legal authority in support of their positions. Timelines for the submission of post-hearing briefs or written arguments shall be set by the hearing officer at the hearing's conclusion.
12. The hearing officer shall render a decision in writing within thirty (30) calendar days from the last hearing date. The decision of the hearing office must be based solely upon the evidence presented at the hearing.
13. The hearing officer must confine orders and ruling to those matters which involve the identification, evaluation, or educational placement of the student under Section 504. A hearing officer may not award attorneys' fees as part of relief granted to a parent or eligible student.

Impartial Appeal Procedures

Any party aggrieved by the hearing officer's decision may seek review of the hearing decision in a court of competent jurisdiction, generally the closest federal district court.

The procedures herein do not deny the right of a grievant to file a complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in the District who is responsible for assuring that the District complies with Section 504 is the Section 504 Coordinator:

Tami Reynolds
6311 Wayzata Blvd.
St. Louis Park, MN 55416
Phone: (952) 928-6000

This document is not a substitute for legal advice. It contains portions of Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. § 104.



ST. LOUIS PARK PUBLIC SCHOOLS GRIEVANCE POLICY & PROCEDURES Section 504

In compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the following Grievance Policy and Procedures shall be utilized in St. Louis Park Public Schools, Independent School District No. 283 (“District”).

I. Grievance Policy

The District prohibits discrimination, harassment, and retaliation on the basis of age, color, disability, gender, national origin, marital status, race, religion, or sex. Any parent or eligible student who believes that the District has discriminated on the basis of a disability or otherwise taken action that is prohibited by Section 504 may file a grievance with the District. A grievance is a complaint alleging that the District has a policy, procedure, or practice, or has made a decision with respect to a student, which is prohibited by Section 504.

II. Grievance Procedures

A. Informal Grievance Procedure

Many problems can be resolved by an informal meeting between the parties involved. An individual with a complaint is encouraged to first discuss the concern with the appropriate teacher, counselor, building administrator, Section 504 Team, or the District’s Section 504 Coordinator with the objective of resolving the concern promptly and informally.

B. Formal Grievance Procedure

Step 1

1. A written statement of the grievance signed and dated by the Complainant shall be submitted to the District’s Section 504 Coordinator within thirty (30) school days following the alleged violation. For purposes of the Grievance Procedures, a “school day” is a day designated by the District as a day of instruction for students. The Complainant may submit the grievance using a Grievance Filing Form. This form can be obtained from the District’s Section 504 Coordinator. The District’s Section 504 Coordinator is Tami Reynolds, St. Louis Park Public Schools, 6311 Wayzata Boulevard, St. Louis Park, MN 55416, (952) 928-6000.
2. The written statement must include the Complainant’s name, address, telephone number, the student’s name, the name of the student’s school, a full description of the nature of the grievance, and the remedy requested.

3. The Section 504 Coordinator shall:
 - a. Investigate the matter(s) alleged in the grievance. As part of the investigation, the Section 504 Coordinator may, to the extent the Section 504 Coordinator deems appropriate, discuss the allegations with the parent(s)/guardian(s) or adult student and/or other District employees;
 - b. Prepare a written decision in response to the grievance, including any appropriate corrective and remedial actions; and
 - c. Notify the Complainant of the decision within fifteen (15) school days of receiving the grievance and provide the Complainant with a copy of the written decision.

Step 2

1. If the Complainant is not satisfied with the disposition of the grievance after Step 1, the Complainant may request that the School Board review the grievance.
2. A request for review by the School Board must be submitted by the Complainant in writing to the District's Superintendent within five (5) school days after receipt of the Section 504 Coordinator's written decision. The District's Superintendent is Astein Osei, St. Louis Park Public Schools, 6311 Wayzata Boulevard, St. Louis Park, MN 55416, (952) 928-6000. The Superintendent shall notify the School Board that a request for review has been submitted.
3. The School Board will meet to review the grievance within a reasonable time following the request for review, but in any event no later than fifteen (15) school days or the Board's next regularly scheduled meeting after receipt of the appeal, whichever occurs later. The School Board will review the grievance in a meeting closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2(a)(3). The School Board may affirm, modify, or reverse the Section 504 Coordinator's decision. The School Board Chair will provide the Complainant with the Board's decision within fifteen (15) calendar days of the Board's review. The Board's decision shall constitute the final decision issued for a formal grievance.

C. Time Periods

The time periods set forth in the above grievance procedures may be extended by mutual agreement. Failure at any step in this process by the District to communicate the decision on the grievance within the specified time limits shall permit the Complainant to proceed to the next step. Failure at any step of this procedure by the Complainant to appeal a grievance to the next step shall be deemed acceptance of the decision rendered at that step.