

PARENT RIGHTS

SECTION 504

Bartholomew Consolidated School Corporation

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 the Bartholomew Consolidated School Corporation. The following lists of rights are given to insure the parent/guardian's awareness of the regulations about the evaluations of and/or special instruction, which may be offered to his/her child. Should the parent/guardian have any questions, contact the Director of Title Services (812-314-3860). The parent also has the right to meet with the superintendent and/or the local school board to resolve any objections to either the evaluation or educational placement of the student.

I. Organizations and agencies, which the parent/guardian may contact to obtain assistance with evaluation and/or placement questions include, but are not, limited to the following:

A. Federal

Office for Civil Rights
CitiGroup Center
500 W. Madison St, Suite 1475
Chicago, IL 60661
312-730-1560
877-521-2172 (TDD)

B. State

Division of Disability, Aging and Rehabilitative Services
PO Box 7083
Indianapolis, IN 46207-7083
317-233-4454

Division of Family and Children
Indiana Government Center South
402 W. Washington St, Room W-364
Indianapolis, IN 46204
317-232-1426

Indiana Department of Education
200 W Washington St
Indianapolis, IN 46204-2798
317-232-6610

C. Local

Bartholomew Consolidated School Corporation
Attn: Julie Miller, Director of Wellness
1200 Central Ave
Columbus, IN 47201
812-376-4234

D. Low Cost Legal Services

Indiana Disability Rights
4701 N Keystone Ave #222
Indianapolis, IN 46205

317-722-5555
1-800-622-4845

IN*Source
1703 S Ironwood Dr
South Bend, IN 46613
1-800-332-4433

- II. The following is a description of the rights granted by federal law to individuals with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:
- A. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability.
 - B. Have the School Corporation advise you of your rights under federal law.
 - C. Receive notice with respect to the identification, evaluation, or placement of your child.
 - D. 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.
 - E. Have your child educated in facilities and receive services comparable to those provided to nondisabled students.
 - F. Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA) and/or general education intervention modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.
 - G. 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.
 - H. Have transportation provided to and from an alternative placement setting at no greater cost to you that would be incurred if the student were placed in a program operated by the School Corporation.
 - I. Have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the School Corporation.
 - J. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
 - K. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
 - L. A response from the school corporation to reasonable requests for explanations and interpretations of child's records.
 - M. 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.

- N. 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. You and your student may take part in these proceedings and have an attorney represent you. Requests for due process must be made to the superintendent of the Section 504 coordinator. The following details the procedures:
1. If the parent/guardian disagrees with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for his/her child. The parent/guardian may make a written request for a hearing to the superintendent, indicating the specific reason(s) for the request.
 2. The School Corporation may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The School Corporation shall notify the parent/guardian of the specific reason(s) for the request.
 3. Such hearings shall be conducted within twenty (20) instructional days after the request is received, unless the hearing officer grants an extension and at a time and place reasonably convenient to the parent/guardian. Upon receipt of a request for a hearing officer. The parent/guardian involved in a hearing shall be given the right to have the child who is the subject of the hearing present, open the hearing to the public, and be represented by counsel or any other representative.
 4. During the pendency of an administrative or judicial proceeding, unless the School Corporation and the parent/guardian of the child agree otherwise, the child involved in the proceeding shall remain in his/her present educational placement. If there is a dispute regarding this present placement, the hearing officer shall order an interim placement. The present educational placement of the child shall include normal grade advancement if the proceedings extend beyond the end of the school year. If the issues involve an application to initial admission to school, the child, with the consent of the parent/guardian, shall be placed in the school until the completion of the proceedings. In the absence of an agreement, the hearing officer shall determine the child's placement during the proceedings.
 5. The child and the parent/guardian shall have the right to legal counsel and/or other representation of their own choosing. The School Corporation shall inform the parent/guardian of any free or low-cost legal services available in the area if the parent guardian requests the information or if the School Corporation initiates a hearing. The School Corporation shall bear the burden of proof as to the appropriateness of any placement, transfer, or the denial of same.
 6. A tape recording or other verbatim record of the hearing shall be made and transcribed and upon request shall be made available to the parent/guardian or representative, at the school corporation's expense. At a reasonable time prior to the hearing during school hours, the parent/guardian or representative shall be given access to all records of the school corporation, and any of its agents or employees, pertaining to the child, including all tests and reports upon which the proposed action may be based. The parent/guardian or representative shall have the right to compel the attendance, to confront or to cross-examine any witness who may have evidence upon the proposed action may be based. The parent/guardian or representative and School Corporation shall have the right to present evidence and testimony, including expert medical, psychological, or educational testimony. Introduction of any evidence at the hearing that has not been disclosed to both parties at least five (5) days before the hearing is prohibited, subject to the discretion of the hearing officer.

Within fifteen (15) instructional days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusions of law, and orders, if necessary, which will be binding on all parties. The dated decision shall be sent by mail to parent/guardian and the superintendent of the School Corporation, and shall contain notice of the right to appeal the decision. The decision shall be implemented no later than twenty- (20) instructional days following the date of the decision, unless review is sought by either party. Should the parent guardian be represented by legal counsel and ultimately prevail on the issues at administrative and/or judicial proceedings, the parent/guardian may be entitled to payment of all or part of the attorney fees and other costs incurred by the parent/guardian.

- O. Request a review (appeal) of the hearing should you not prevail. The following details the procedure:
1. A petition to review (appeal) the decision of the hearing officer may be made by any party to the hearing. The request must be in writing, filed with the superintendent and the opposing party be specific as to the objections, and be filed within twenty (20) instructional days of the date the hearing officer's decision is received. The School Corporation is responsible for the appointment of an independent appeals officer to conduct an impartial review of the record as a whole and may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
 2. The appeals officer shall insure that a transcript of the review is prepared and made available to any party upon request.
 3. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
 4. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.
 5. Ask for payment of reasonable attorney fees if you are successful on your claims. B.
 6. File a local grievance.

The person in this school corporation who is responsible for assuring that the School Corporation is in compliance with Section 504 is the Director of Wellness.