

BOARDMAN LOCAL SCHOOL DISTRICT

Section 504 Parent/Child Rights and Procedural Safeguards

1. Your child has a right to take part in and receive benefits from public education programs without discrimination based on a disability.
2. You have the right to receive written notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
3. You have the right to receive all information in your native language and mode of communication.
4. Your child has a right to an evaluation prior to the development of an initial § 504 plan and any subsequent significant change in placement. Your child is eligible for a free appropriate public education under § 504 of The Rehabilitation Act of 1973 if the § 504 Team determines that your child has a physical or mental impairment that substantially limits one or more major life activities. This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids/services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. An evaluation for § 504 eligibility can be requested by contacting the building principal or Building Compliance Officer. A referral should be made by a school staff member if he/she suspects that the student has a mental or physical impairment combined with suspicion that the impairment substantially limits one or more major life activities. Within thirty (30) days of a parental request for an § 504 evaluation, the § 504 team will convene to address the request and determine if the school suspects that the child has a present disabling condition that substantially limits a major life activity. If the district does not suspect a disability under § 504, then the team will provide parent with written notice of the decision. If the § 504 team suspects that the child has a disability under § 504 parental consent shall be obtained an evaluation will be completed within sixty (60) calendar days of receipt of parental consent.
5. The district shall consider information from a variety of sources, including (as appropriate) but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical reports, student grades, progress reports, parent observations, anecdotal reports, and test scores when making evaluation and educational placement decisions under § 504.

6. Evaluation and educational placement decisions must be made by a group of persons knowledgeable about your child, the meaning of the evaluation data, and the placement options.
 7. If eligible as disabled under § 504, your child has a right to periodic reevaluations, generally every three years, before your child's placement is terminated or significantly changed, and if otherwise determined to be necessary.
 8. You have a right to obtain an independent educational evaluation of your child at your own expense.
 9. If eligible as disabled under § 504, your child has the right to a free appropriate public education ("FAPE"), meaning the provision of education and related services without cost to the person with a disability or his or her parents or guardians except for those fees that are imposed equally on non-disabled students or their parents.
 10. If eligible as disabled under § 504, your child has a right to access facilities and receive services comparable to those provided to students without disabilities.
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11. If eligible as disabled under § 504, your child has the right to be transported in a nondiscriminatory manner.
 12. If eligible as disabled under § 504, your child has the right to an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
 13. You have the right to be notified of your § 504 rights, including but not limited to:
 - a. when the District does not suspect a disability and declines to conduct an evaluation;
 - b. when evaluations and re-evaluations are conducted;
 - c. when consent for an evaluation is provided or withheld;
 - d. when eligibility is determined, including when the team finds the student ineligible;
 - e. when a Section 504 Plan is developed;
 - f. before there is significant change in the Section 504 Plan, including concerning your child's placement; and
 - g. when an internal complaint or a request for a due process hearing is filed.
 14. You have the right to examine all relevant education records of your child, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement and obtain copies at a reasonable cost unless the fee would effectively deny you access to the records. You have the right to a response from the District to reasonable requests for explanations and interpretations of your child's education records.
 15. You have the right to request amendments of your child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child. If the District refuses to amend the record(s), you have the right to request a

hearing and/or to attach to the record(s) a statement of why they disagree with the information it contains.

16. You have the right to be represented by an attorney at any point in the § 504 process.
17. You have the right to challenge the actions of the district's § 504 Team in regard to your child's identification, evaluation, or educational placement. You may file a written internal complaint (within ten (10) calendar days from the time you received written notice of the § 504 Team's action(s)) or a request for an impartial due process hearing with the district's § 504 Compliance Officer, Jennifer Scarmack, at 7777 Glenwood Avenue, Boardman, Ohio 44512. A hearing will be scheduled before an impartial hearing officer selected and appointed by the district and you will be notified in writing of the date, time, and place for the hearing. If you disagree with the decision of the impartial hearing officer appointed by the district, you have a right to a review of that decision by a court of competent jurisdiction.
18. You have a right to file a complaint with the United States Department of Education Office for Civil Rights (OCR) at any time. OCR may be contacted at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115.