

Section 504 Procedural Safeguards

Notification of Parent/Student Rights

August 2024



Otsego Local Schools

This informational guide is designed to provide students, parents, and educators with the necessary information to work in partnership to provide access to an appropriate education, as well as to develop appropriate accommodations for students with qualifying disabilities. Parents play an important role in their child's Section 504 identification.

This document describes the requirements of the Federal laws with respect to elementary and secondary school policies regarding students with disabilities under Section 504. This serves as parental notification of the Section 504 procedural safeguards requirement.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008 (hereinafter "Section 504"), is Congress's directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states, "No otherwise qualified individual with a disability shall solely by reason of his/her 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." Since the School District is a recipient of Federal funding, its administrators and staff are required to provide eligible students with disabilities equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute.

Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

What criteria are used to determine 504 eligibility?

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Major life activities, as defined in the Section 504 regulations include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

- The evaluation must be administered to ensure results will accurately reflect a student's achievement level and not the student's impairments, unless the impairments are the factors that need to be measured.
- The evaluation must be aimed at assessing specific and particular areas of educational need.

Who is involved in a Section 504 Plan?

The Building Compliance Officer assembles a team. The team is a group of people knowledgeable about the student, the disability, the meaning of evaluation data, and the educational support and service options. The team may include the following: the Parent, the Student, Teacher(s), Principal, School Counselor, School Psychologist, School Nurse, Administrators, and other faculty members. If the team determines that the student is eligible and requires a 504 Plan, the team is then responsible for deciding what supports are needed.

What are accommodations/modifications/interventions/services/aids?

These are individualized adjustments to the child's education based on needs that were identified in the evaluation. If a child qualifies for a Section 504 Plan, the team will decide what supports and/or services are needed to allow equal access to a Free and Appropriate Public Education (FAPE under 504). If a 504 Plan is developed, specific accommodations/modifications/interventions/services/aids are written in the student's 504 Plan.

When can a 504 Plan be reviewed?

Any team member, including the parent, may request a 504 meeting at any time to discuss services provided by the district or student progress.

What rights do I have as a Parent/Guardian?

You may examine your child's educational record. Notice regarding evaluation and identification is communicated to you. You may request a reevaluation of your child. You have a right to file an internal (District) and/or external (OCR) complaint.

Complaint Procedures:

Parents and students have the right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, parents and students will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, parents and students will be notified of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for the due process hearing must be filed with a District Compliance Officer as soon as possible, but not longer than 30 days of disclosure of the facts given rise to the complaint. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday-Friday, excluding State-recognized holidays).

Internal Complaint

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office of Civil Rights or requesting a due process hearing.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall

be completed within fifteen (15) days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of his/her decision.

Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involved an issue related to the identification, evaluation, or placement of the student. If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if a student or parent believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR").

Contact information for filing internal (District) or external (OCR) complaints are listed below. The Otsego Building Compliance Officers are the Principals, and the District Compliance Officers are the Superintendent and the Special Education Director.

Becky Buchman, Elementary Assistant Principal

419-823-4381 ext. 4009 or bbuchman@otsegoknights.org

Jon Rife, Junior High Principal

419-823-4381 ext. 3101 or jrife@otsegoknights.org

Ashley Braucksieck, High School Principal

419-823-4381 ext. 2105 or abrauchsieck@otsegoknights.org

Kevin O'Shea, Superintendent

419-823-4381 ext. 1102 or koshea@otsegoknights.org

Lauri Dunham, Special Education Director

419-823-4381 ext. 4008 or ldunham@otsegoknights.org

Otsego Local Schools

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The OCR office for Ohio is located at:

Cleveland Office
Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812

Phone: 216-522-4970
FAX: 216-522-2573
TDD: 800-877-8339
Email: ORC.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>