



Notice of Procedural Safeguards to Parents and Guardians Section 504 of the Rehabilitation Act of 1973 • Americans with Disabilities Act of 1990

The purpose of this Notice is to inform parents and students of the rights granted them under Section 504. The federal regulations that implement 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following rights:

1. You have a right to be informed about your rights under Section 504 [34 CFR 104.32]. The school district must provide you with written notice of your rights under Section 504. This document represents written notice of rights as required under Section 504. If you need further explanation or clarification of any of the rights described in this Notice, contact the appropriate staff persons at the District's Student Services office, and they will assist you in understanding your rights.
2. Under Section 504, your student has the right to an appropriate education designed to meet his/her educational needs as adequately as the needs of nondisabled students are met [34 CFR 104.33].
3. Your student has the right to free educational services, with the exception of certain costs normally also paid by the parents of nondisabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under Section 504 [34 CFR 104.33].
4. To the maximum extent appropriate, your student has the right to be educated with students who are not disabled. Your student will be placed and educated in regular classes, unless the District demonstrates that his/her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services [34 CFR 104.34].
5. Your student has the right to services, facilities, and activities comparable to those provided to non-disabled students [34CFR104.34].
6. The District must undertake an evaluation of your student prior to determining his/her appropriate educational placement or program of services under Section 504, and before every subsequent significant change in placement [34 CFR 104.35].
7. The District will consider information from a variety of sources during the evaluation process and in making its determinations, including, for example, aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, among others [34 CFR 104.35].
8. Placement decisions regarding your student must be made by a group of persons (a 504 committee) knowledgeable about your student, the meaning of the evaluation data, the possible placement options, and the requirement that to the maximum extent appropriate, disabled students should be educated with non-disabled students [34 CFR 104.35].
9. If your student is eligible for services under Section 504, he/she has the right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years [34 CFR 104.35].
10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your student [34 CFR 104.36].
11. You have the right to examine relevant documents and records regarding your student (generally documents relating to identification, evaluation, and placement of your student under Section 504 [34 CFR 104.36].

Complaint Process

12. With respect to other issues surrounding your student's education including identification, evaluation, or placement, you have a right to present a complaint to the District's 504 Coordinator, or his/her designee, who will then investigate the situation, taking into account the nature of the complaint and all necessary factors, in an effort to arrive at a fair and speedy resolution.



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Impartial Hearing

13. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your student's identification, evaluation, or placement under Section 504 [34 CFR 104.36].
14. You have the right to participate personally at the hearing and to be represented by an attorney if you wish to hire one. If you wish to contest an action taken by the Section 504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's 504 Coordinator. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.
15. If you disagree with the decision of the mediation hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).

Office for Civil Rights

16. You have the right to contact OCR regarding a complaint at any time. The complaint resolution process administered by OCR is voluntary, separate, and distinct from your right to seek a hearing. 34 C.F.R. § 104.7(b). Following OCR's complaint investigation, the agency will generally issue a Letter of Finding, deciding whether there was a violation. If OCR finds a violation, it will identify the specific violations and specify appropriate corrective actions. If you elect to file an OCR complaint, you must file it no later than 180 days from the date of the alleged discrimination. OCR has limited discretion to waive the 180-day filing requirement.

Contact information for Office for Civil Rights, Kansas City Office:
U.S. Department of Education One Petticoat Lane

1010 Walnut Street, Suite 320 Kansas City, MO 64106 Telephone: (816) 268-0550 Facsimile: (816) 268-0559
Email: OCR.KansasCity@ed.gov