

Notice to Parents & Guardians of Rights to a Due Process Hearing SECTION 504
Fort Worth Independent School
Specialized Learning Department

The Fort Worth Independent School District does not discriminate on the basis of disability with regard to admission, access to programs or services, treatment or employment in programs and activities conducted by the district or contracted with another entity. The district will make reasonable accommodations for students, parents, and employees with disabilities and will provide appropriate educational programs for all resident students.

As a parent/guardian you have the following legal rights according to Section 504.

Evaluation:

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act 1973, may be referred to the Section 504 Committee.

The student's parent or guardian must provide his or her consent and receive a copy of the Parent Rights/Procedural Safeguards prior to any evaluation of a student referred to Section 504.

Due Process Hearing:

Section 504 of the Rehabilitation Act of 1973 provides parents with the right to an impartial due process hearing to contest any action of the LEA with regard to a student's identification, evaluation or placement. 34 CFR §104.36. The parent has the right to personally participate and to be represented at the hearing by an attorney at the parent's expense.

Right to Due Process:

In the event a parent or guardian [hereinafter "parent"] wishes to contest an action or omission on the part of the district with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 ["§504"], the parent has a right to an impartial hearing before an impartial hearing officer. Omissions on the part of the district with regard to a disabled child might include, for example, the district's failure to identify a child eligible for services under §504. Thus, a child's identification as eligible for services under §504 is not an absolute prerequisite to the right to due process.

The parent must exercise the right to an impartial hearing by providing the written request for hearing (described below) within the state-law timeline for a special education due process hearing under the IDEA. In Texas, the application of this rule means that requests for a Section 504 due process hearing must be made in writing within one year of the district's action or omission.

Request for Due Process:

A parent who wishes to challenge the LEA's action or omission with regard to the identification, evaluation or placement of a student who has or is believed to have a disability, shall make an oral or written request for a due process hearing to the LEA's Section 504 coordinator. If a request is received orally, it should be reduced to writing or the parent/guardian should be provided a form for such purpose. The written request must clearly state that the parent is seeking a Section 504 due process hearing. The LEA cannot refuse a parent's due process hearing request. The LEA cannot unilaterally determine whether a due process hearing is warranted, as such decisions are reserved to the impartial hearing officer.

Procedures to Follow at the Hearing:

- A Section 504 due process hearing may be called at the request of the school district or a parent or guardian. The proceedings shall be presided over and decided by an impartial hearing officer.
- Requests for a due process hearing must be submitted in writing to the district's 504 Coordinator. The Parent or Guardian will be notified of the hearing at least 7 days prior to the date set for the hearing.

Parent Participation & Representation:

- A parent has the right to participate, speak, and present information at the due process hearing, and to be represented by legal counsel or any other type of advocate or representative of their choice at their expense.
- If a parent is to be represented by a licensed attorney at the due process hearing, he or she must inform the district's §504 Coordinator and the appointed hearing officer of that fact in writing at least seven (7) calendar days prior to the hearing date.
- Failure to notify the §504 Coordinator and the appointed hearing officer of that fact in writing shall constitute good cause for a continuance of the hearing date.

The notice shall contain:

1. A statement of time, place and nature of the hearing.
 2. A statement of the legal authority and jurisdiction under which the hearing is being held.
 3. A statement of the matters asserted.
 4. A statement of the right to be represented by counsel.
 5. A statement of the right to examine relevant records.
- Information shall be provided in English or in the native language or mode of communication of a parent or guardian.
 - At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony.

- A copy of the hearing officer's decision shall be delivered to the school district and the parent or person in parental relationship within 45 days following completion of the hearing.
- The decision of the hearing officer is binding on all parties involved; it is subject to review by the Commission of Education, or the State Review Officer, as appropriate, and by a federal court of competent jurisdiction.

Please contact the school district if you have any questions:

Dr. Carolyn Smythe, District 504 Compliance Coordinator

Specialized Learning Department

Fort Worth Independent School District

817.814.2878 | carolyn.smythe@fwisd.org

215 N.E. 14th Street, Fort Worth, TX 76164