BIG SPRING INDEPENDENT SCHOOL DISTRICT

NOTICE OF RIGHTS AND PROCEDURAL PROTECTIONS
UNDER SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT

The Big Spring Independent School District does not discriminate on the basis of race, color, religion, sex, age, national origin, or disability in admission, access, treatment or employment in its programs, services and activities. Applicants, students, parents/guardians, employees, referral agencies and all organizations holding agreements with Big Spring ISD are hereby notified of this policy. Any person with concerns regarding Big Spring ISD's compliance with the regulations implementing Section 504 or the Americans with Disabilities Act is directed to contact:

Misty Henson
Special Programs Director
708 11th Place
Big Spring, Texas
432-264-3633

This document summarizes the procedural protections and rights you have as the parent of a student who may qualify for accommodations or services under Section 504 and the ADA.

INTRODUCTION: Section 504 of the 1973 Rehabilitation Act, along with the Americans with Disabilities Act requires that the school district may not discriminate against students with disabilities. Accordingly, the district has adopted policies and procedures to ensure that discrimination does not take place. In this document, we will refer to these laws as "Section 504/ADA."

IDEA ELIGIBILITY: Many students who meet the definition of an "individual with a disability" under Section 504/ADA also qualify for services under the Individuals with Disabilities Education Act (IDEA). This document does not address these students or their parents. Such students are serviced pursuant to the requirements of the IDEA. The rights of parents of these students are spelled out in the Notice of Procedural Safeguards document promulgated by the Texas Education Agency. The remainder of this document addresses only the rights of parents of students who satisfy the definition of an individual with a disability under Section 504/ADA, but do not qualify under IDEA.

AN APPROPRIATE EDUCATION: If it is determined that your child meets the definition of an individual with a disability under Section 504/ADA, then your child will be entitled to a free and appropriate public education. This means that your child's education will be designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. A "free" public education means that no fees will be imposed on you except for the same fees that are imposed on parents of nondisabled students. However, insurance companies and other third parties that are obligated to provide or pay for services to your child are still obligated to do so.

NOTICE: You have the right to be notified by the district prior to any action that would identify your child as having a disability, evaluate your child for services under Section 504/ADA, or place your child in a program based on a
disability.

EVALUATION: Prior to conducting an evaluation of your child for purposes of services under Section 504/ADA, the district will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports and recommendations and other such information without your consent to the same extent they would do so for nondisabled students.

If an evaluation is conducted, the school will make sure that:

- all testing and other evaluation procedures are validated for the specific purpose for which they are used;
- that they are administered by trained personnel in conformity with the instructions provided by the producer;
- that they include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score;
- that tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking or manual impairments the student may have (except when the test is designed to measure sensory, speaking or manual skills)

An evaluation that satisfies these requirements will be conducted prior to your child's initial placement, and conducted or reviewed prior to any subsequent significant change in placement.
If your child is identified as an individual with a disability under Section 504/ADA, the school will periodically reevaluate your child as appropriate.

PLACEMENT: If your child is identified as an individual with a disability under Section 504/ADA, placement decisions about your child will be made by the school's 504 Committee, which will include at least three professional staff members who, collectively, are knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the 504 Committee if your child's placement and/or services are to be discussed. The 504 Committee will also ensure that your child is placed in the "least restrictive environment."

LEAST RESTRICTIVE ENVIRONMENT: If your child is identified as an individual with a disability under Section 504/ADA, your child will be placed and served in the "least restrictive environment." This means that your child will be served with nondisabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability the school will consider the use of supplementary aids and services. Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment even when supplementary aids and services are provided.

EXAMINATION OF RECORDS: You have the right to see and examine any educational records that pertain to your child or are relevant in serving your child. This right is spelled out in detail in School Board Policies FL and FL Local.

HEARINGS: If you disagree with a decision of the 504 Committee regarding the identification, evaluation or educational placement of your child, you have the right to an impartial hearing pursuant to Policy FB Local. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney at your own expense.

If you wish to request a hearing, you must make a written request for a hearing within 30 calendar days from the time you receive written notice of the decision of the 504 Committee that you disagree with. Your request for a hearing must be filed with the district's Section 504 Coordinator.
Upon receipt of a timely request for a hearing, the district will notify you of the date, time and location of the hearing.
If you disagree with the decision of the hearing officer, you have the right to a review of that decision by a court of competent jurisdiction.

OTHER COMPLAINTS: You also have the right to file a complaint with the district's Section 504 Coordinator pertaining to harassment, retaliation or discrimination against your child in ways that do not involve your child's identification, evaluation or educational placement. Complaint forms can be obtained from the campus or district Section 504 Coordinator.

OFFICE FOR CIVIL RIGHTS: You also have the right to file a complaint with the United States Office for Civil Rights. The address of the Regional Office with jurisdiction in Texas is:

Office for Civil Rights
Region VI
1999 Bryan Street, Suite 1620 Dallas, Texas
75201
214-661-9600 (telephone)