

Notice of Parent and Student Rights/Procedural Safeguards

The Americans with Disabilities Act Amendments Act (ADAAA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) are civil rights laws that prohibit discrimination based on disability. Section 504 states: *No otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance.* School districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with an opportunity for participation by the student's parents or guardian, representation by counsel, and a review process. Under Section 504, a person is considered disabled if s/he suffers from a physical or mental impairment that substantially limits one or more major life activities, including but not limited to learning, walking, breathing, eating, working, and seeing.

The purpose of this notice is to inform parents and students of their entitlement to the following rights under Section 504:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this document is to advise you of those rights.)
2. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents.
4. Your child has a right to be educated to the maximum extent appropriate with children who are not disabled.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. This right includes your child's right to be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. You also have the right to request such an evaluation. Any student who needs, or is believed to need, accommodations and/or related services under Section 504 must be referred to the Section 504 Committee for evaluation.
7. You have the right to receive notice and offer consent with respect to decisions regarding formal identification, evaluation, and placement of your child.
8. Evaluation and placement decisions must be made by a group of people (i.e., the Section 504 Committee), including people knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
9. If eligible under Section 504, your child has a right to periodic formal or informal re-evaluations occurring at minimum every three years.
10. You have the right to notice prior to any action by the district regarding the identification, evaluation, or placement of your child.
11. You have the right to examine relevant records and documents regarding your child.
12. You have the right to file a grievance if you believe that your child is being discriminated against based on a disability. You may file a grievance with your child's principal, who will investigate and provide a written response within fifteen working days after receiving the grievance (unless additional time is necessary to conduct an impartial, thorough investigation). If you disagree with the principal's response, you may refer the grievance to the UCPS District Section 504 Administrator ten working days after receipt of the written report. The District Section 504 Administrator will issue a written decision on the grievance no later than fifteen working days after receiving the request (unless additional time is necessary to conduct an impartial, thorough investigation).

13. In the alternative, you may submit your grievance directly to the District Section 504 Administrator; after investigating, the 504 Administrator will issue a written decision on the grievance to the grievant and the school no later than fifteen working days after receiving the request (unless additional time is necessary to conduct an impartial, thorough investigation). The Section 504 Administrator for Grievances is:

Vicki Merritt
Union County Public Schools
400 North Church Street Monroe, NC 28112
Phone: 704.296.6392
vicki.merritt@ucps.k12.nc.us

14. If you disagree with the Section 504 Administrator's resolution of your grievance, you have a right to file an appeal of the Section 504 Administrator's decision with the Superintendent or his or her designee. The appeal must be submitted in writing within 5 calendar days of receiving the District Section 504 Administrator's response and submitted to the Chief of School Performance:

Dr. Jonathan Tyson
Union County Public Schools
400 North Church Street
Monroe, NC 28112
Phone: 704.296.1002
Jonathan.tyson@ucps.k12.nc.us

15. If you disagree with the response issued by the Superintendent or Superintendent's designee, you have the right to file an appeal in accordance with the Union County Public Schools Board of Education Policy 4-07 (b) to the Board of Education.
16. Section 504 of the Rehabilitation Act of 1973 provides you with the right to an impartial due process hearing to contest any action of the LEA regarding your child's identification, evaluation, or placement. You have the right to participate personally. If you wish to challenge the LEA's action or omission with regard to the identification, evaluation, or placement of your child who has or is believed to have a disability, you shall make a written request using the form provided at this link [Due Process Form](#). You may submit your request to the Chief of School Performance. The Superintendent's designee is:

Dr. Jonathan Tyson
Union County Public Schools
400 North Church Street
Monroe, NC 28112
Phone: 704.296.1002
Jonathan.tyson@ucps.k12.nc.us

17. You also have a right to file a complaint with the Office for Civil Rights, U.S. Department of Education:

U.S. Department of Education
Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 202-453-6012; 800-421-3481, TDD: 800-877-8339

Email: OCR@ed.gov

If you have difficulty understanding English, you may request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339) or email OCR at: Ed.Language.Assistance@ed.gov