Adopted: 11/29/12

Revised: Dec 2015, 10/26/21, 3/2024, 7/28/26

Notice of Parent/Student Rights in Identification, Evaluation, and Placement of Individuals with Disabilities

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In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized at Cologne Academy.

This document is provided to ensure that you are aware of the regulations regarding the identification, evaluation or placement under Section 504 that may pertain to your child. Should you have any questions, contact the Section 504 coordinator:

Name:	Lynn Peterson, Executive Director
Address:	1221 Village Parkway, Cologne, MN 55322
Phone Number:	952-4466-2276
Email Address:	lpeterson@cologneacademy.org

As the parents/guardians, you may also meet with the executive director or a designee and/or the local school board to resolve any objections to the evaluation or educational placement of your child.

I. Section 504 is enforced by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

i. Office for Civil Rights, Chicago Office (Region V)
ii. U. S. Department of Education
iii. 500 W. Madison Street Suite 1475
iv. Chicago, Illinois 60661
v. (312) 730-1560
vi. FAX: (312) 730-1576
vii. TDD: (312) 730-1609
viii. Email: OCR.Chicago@ed.gov

II. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)

A. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. §104.21

B. Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)

C. Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)

D. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)

E. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a)

F. Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)

G. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)

H. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. §104.34(b)

I. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1)

J. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R.§ 104.35(b)(c)(2)

K. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)

L. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)

M. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. § 104.37

N. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36

O. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36

P. You are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. You and your child may take part in these proceedings and have an attorney represent you. The following details the procedures:

i. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the executive director or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the executive director shall appoint the hearing officer.

ii. The school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the specific reason(s) for the request.

iii. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.

Q. You are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

i. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the executive director and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The school district must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.

iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.

iv. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

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This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Section 504 Coordinator. This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.