DUNKIRK CITY SCHOOL DISTRICT
Superintendent's Office
620 Marauder Drive
Dunkirk, NY 14048
(716) 366-9300 ext. *2013

Brian Swatland
Superintendent of Schools

Kenneth Kozlowski
Board of Education President

Notice of Rights and Procedural Safeguards Under Section 504

The Dunkirk City School District is committed to ensuring that students with disabilities have equal access to educational programs, services, and activities. The District does not discriminate on the basis of disability. If your child is suspected of having or is determined to have a disability under **Section 504 of the Rehabilitation Act of 1973** and/or the **Americans with Disabilities Act (ADA)**, you have the following rights and procedural safeguards:

1. Notice

You have the right to receive notice regarding the District's proposed actions related to the identification, evaluation, or educational placement of your child under Section 504. The notice will explain the action the District is proposing or declining to take and the reasons for that decision.

2. Evaluation and Eligibility

You have the right to have your child evaluated before the District makes an initial determination that your child has a disability requiring accommodations, services, or a Section 504 Plan. Eligibility and placement decisions will be based on information from a variety of sources and made by a group of individuals knowledgeable about your child, the evaluation data, and available placement options.

3. Free Appropriate Public Education

If your child is eligible under Section 504, your child has the right to receive a **free appropriate public education (FAPE)**. This includes regular or special education and related aids and services designed to meet your child's individual educational needs as adequately as the needs of students without disabilities are met. Your child also has the right to reasonable accommodations and supports necessary to provide meaningful access to school programs, activities, and services.

4. Comparable Facilities, Services, and Activities

Your child has the right to participate in and receive benefits from the District's programs and activities without discrimination on the basis of disability. Your child is entitled to facilities, services, and activities that are comparable to those provided to students without disabilities.

5. Access to Educational Records

You have the right to examine educational records relating to your child's referral, evaluation, identification, and implementation of a Section 504 Plan, in accordance with District procedures and applicable federal and state laws. You may also request copies of educational records at a reasonable cost. If you believe that information contained in your child's educational records is inaccurate, misleading, or otherwise violates your child's privacy rights, you may request that the record be amended in accordance with the **Family Educational Rights and Privacy Act (FERPA)**. If the District declines to amend the record, you will be notified of your right to request a hearing under FERPA.

6. Impartial Due Process Hearing

You have the right to request an impartial hearing if you disagree with the District regarding the identification, evaluation, or educational placement of your child under Section 504. The hearing will be conducted by an impartial hearing officer who is not employed by the District and who does not have a personal or professional interest that would conflict with the hearing. You have the right to participate in the hearing and may be represented by counsel or another representative at your own expense.

7. Review of Hearing Decision

A party who disagrees with the decision of the impartial hearing officer may seek review of the decision through any available review process or by pursuing other remedies available under applicable law.

8. Filing a Complaint With the U.S. Department of Education, Office for Civil Rights

You have the right to file a complaint alleging discrimination on the basis of disability with the **U.S. Department of Education, Office for Civil Rights (OCR)**. Complaints may generally be filed electronically through the OCR complaint process or submitted to the appropriate OCR regional office.

9. District Grievance Procedure

The Dunkirk City School District has adopted an internal grievance procedure for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability. It is against the law for the District to retaliate against any individual who files a grievance, participates in an investigation, or exercises their rights under Section 504 or the ADA.