

Section 504 Procedural Safeguards

Notification of Parent/Student Rights October 2026



Otsego Local Schools

Introduction

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as "Section 504") prohibits discrimination against students on the basis of disability. This information guide contains guidelines, policies and procedures to help Otsego achieve compliance with Section 504. The procedural safeguards are also for parents/guardians to utilize when there is a disagreement regarding the identification, evaluation, or educational placement of a student with a disability. If you have Section 504 questions concerning either current or prospective students, please contact the District's Section 504 Coordinator:

Student Services Coordinator
Jessica Weatherwax
jweatherwax@otsegoknights.org
(419) 823-4381; Ex. 2104

What is Section 504?

Section 504 is Congress's directive to schools receiving any federal funding from the U.S. Department of Education to eliminate discrimination based on disability from all aspects of their operations. It states, "[n]o otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Since Otsego is a recipient of this federal funding, it is required to provide eligible students with disabilities equal access to services, programs, and activities offered by its schools.

Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Section 504 also requires, among other things, that a student with a disability receive an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability.

What criteria are used to determine Section 504 eligibility?

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis.

Major life activities, as defined in the Section 504 regulations, include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. A student may have a disability and be eligible for Section 504 services even if the student's disability does not limit the major life activity of learning.

If a student is believed to potentially be eligible under Section 504, Otsego will work to evaluate the student in a timely manner. The evaluation will accurately and completely assess the nature and extent of the suspected disability and whether the student, because of a disability, needs special education or related services to access their education. The evaluation will include a group of knowledgeable persons who will draw upon information from a variety of sources to make an eligibility determination.

If eligible, who is involved in creating the Section 504 Plan?

The District's 504 Coordinator (Student Services Coordinator) assembles the team. The team is a group of people knowledgeable about the student, the disability, the meaning of evaluation data, and the educational support and service options. The team may include the following: the Parent, the Student, Teacher(s), Principal, School Counselor, School Psychologist, School Nurse, Administrators, and other faculty members. If the team determines that the student is eligible and requires a 504 Plan, the team is then responsible for deciding what supports are needed.

Section 504 requires periodic reevaluation of students that are eligible under Section 504. At least every three (3) years appropriate school staff should determine whether updated evaluations are needed. A re-evaluation will be completed prior to any significant change in placement.

What are accommodations/modifications/interventions/services/aids?

These are individualized adjustments to the child's education based on needs that were identified in the evaluation. If a child qualifies for a Section 504 Plan, the team will decide what supports and/or services are needed to allow equal access to a FAPE under Section 504. If a 504 Plan is developed, specific accommodations/modifications/interventions/services/aids are written in the student's 504 Plan.

When can a 504 Plan be reviewed?

Any team member, including the parent, may request a 504 meeting at any time to discuss services provided by the district or to discuss student progress.

What rights do I have as a Parent/Guardian?

- You have a right to examine your child's educational record.
- You have a right to request an evaluation or reevaluation of your child.
- You have a right to notice regarding evaluation and identification.
- You have a right to file a complaint if you believe you or your child's rights have been violated

Complaint Procedures:

Parents and students have the right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. Parents and students can also request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, and their right to examine relevant education records. In addition, parents and students have a right to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR or requesting a due process hearing.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing and offer possible solutions to the dispute. The complaint or request for the due process hearing must be filed with a District Compliance Officer as soon as possible, but not longer than 30 days of disclosure of the facts given rise to the complaint. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday-Friday, excluding State-recognized holidays).

Grievance Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of his/her decision.

Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involved an issue related to the identification, evaluation, or placement of the student. A hearing officer will be appointed. A person who is an employee of Otsego or any person having a personal or professional interest which would conflict with their objectivity in the hearing may not be appointed as a hearing officer. The parent or guardian will receive notice of the hearing, have the opportunity to examine relevant records, and have an opportunity to participate in the hearing and be represented by counsel. If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

Impartial Due Process Hearing

A parent who disagrees with the identification, evaluation or placement of a student with a disability under Section 504 has the right to request an impartial due process hearing. Request for a Section 504 due process hearing must be made in writing to the Building Compliance Officer. A person who is an employee of Otsego or any person having a personal or professional interest which would conflict with their objectivity in the hearing may not be appointed as a hearing officer. The parent or guardian will receive notice of the hearing, have the opportunity to examine relevant records, and have an opportunity to participate in the hearing and be represented by counsel. The hearing officer will review the information submitted and issue a written report. If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

If a student or parent believes that they have been subjected to discrimination based upon disability in violation of Section 504, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR").

The OCR office for Ohio located at:

**Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582**

**Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov**

The Otsego Building Compliance Officers are the Principals, and the District Compliance Officers are the Superintendent and the Student Services Coordinator.

Becky Buchman, Elementary Assistant Principal

419-823-4381 ext. 4009 or bbuchman@otsegoknights.org

Jon Rife, Junior High Principal

419-823-4381 ext. 3101 or jrife@otsegoknights.org

Ashley Braucksieck, High School Principal

419-823-4381 ext. 2105 or abraucksieck@otsegoknights.org

Kevin O'Shea, Superintendent

419-823-4381 ext. 1102 or koshea@otsegoknights.org

Jessica Weatherwax, Student Services Coordinator

(419) 823-4381 ext. 2104 or jweatherwax@otsegoknights.org

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Otsego cannot intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies. Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.