

Section 504 Procedural Safeguards

This document summarizes the procedural protections and rights you have as the parent of student who may qualify for accommodations or services under Section 504 of the Rehabilitation Act of 1973 (Section 504).

INTRODUCTION. Section 504, along with the Americans with Disabilities Act of 1990, 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 the rest of 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 the District's obligations under IDEA. IDEA procedural safeguards may be obtained from Special Education Director, Miller School District, PO Box 257, Miller SD 57362, Phone (605)853-2614. 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.

STUDENT WITH A DISABILITY: A student with a disability has the right to take part in, and receive benefits from, public education programs without discrimination because of his/her disability. A student with a disability has the right to receive services and be educated in facilities that are comparable to those provided to nondisabled students. A student with a disability has an equal opportunity to participate in non-academic and extracurricular activities offered by the District.

FREE 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 (FAPE), if the student's mental or physical impairment substantially limits one or more major life activities. FAPE is the provision of educational and related services without cost to the disabled person or to his or her parents or guardian, except for those fees that are imposed on nondisabled persons or their parents and guardians. 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. 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. A student with a disability has the right to have evaluation **based on a variety of information sources**. Education and placement decisions made based on a variant of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. Prior to conducting an evaluation of your child for purposes of services

under Section 504/ADA, the district will seek your informed written consent. You may request an evaluation by contacting the District's Section 504 coordinator. 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;
- * They are administered by trained personnel in conformity with the instructions provided by the producer;
- * 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; and
- * 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 Team, 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 Team if your child's placement and/or services are to be discussed. The 504 Team 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. If it becomes necessary to serve your child in an alternate setting due to disability, the school will take into account the proximity of the alternate setting to your home.

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.

HEARINGS. If you disagree with a decision of the 504 Team regarding the identification, evaluation, or educational placement of your child you have the right to

an impartial hearing. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney.

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 the written notice of the decision of the 504 Team with which you disagree. 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 a 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.

SECTION 504 COORDINATOR: The District's Section 504 Coordinator may be reached at:
Miller School District
PO Box 257
Miller, SD 57362
Telephone Number: (605) 853-2614
E-mail: dan.trefz@k12.sd.us

OFFICE: FOR CIVIL RIGHTS. You also have the right to file a complaint with the United States Office for Civil Rights, **U.S. Department of Education. You may contact OCR at: 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106:** Telephone: (816) 268-0550; Facsimile:(816)268-0599; Telecommunication Device for the Deaf: (877) 521.2172 or E-mail: OCR. Kansas City@ed.gov.