

**JONES COUNTY SCHOOL DISTRICT
NOTICE OF PARENT AND STUDENT RIGHTS
IN IDENTIFICATION, EVALUATION AND PLACEMENT
UNDER § 504**

Under § 504 of the Rehabilitation Act of 1973 you have a right to be informed by the school district of your rights under § 504 of the Rehabilitation Act of 1973. The purpose of this notice is to advise you of those rights. The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

If your child is determined to be a child with a disability, he/she has the following rights:

1. Your child has the right to a free appropriate public education designed to meet his/her individual needs as adequately as the needs of nondisabled students are met.
2. Your child must be provided an equal opportunity to participate in nonacademic and extracurricular services and activities offered by the district to the same extent as nondisabled students.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents.
4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to an evaluation prior to an initial placement and any subsequent significant change in placement.
6. Testing and other evaluation procedures must conform to the requirements of § 504 regarding test validity, proper method of administration and appropriate test selection. The district will consider information from a variety sources in making its determinations, including, for example: aptitude and achievement test, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, student grades, progress reports, state-wide testing results, and parent input.
7. Placement decisions regarding your child must be made by a group of persons knowledgeable about your child, the meaning of the evaluation data, the placement options, the requirement that to the maximum extent appropriate, disabled children should be educated with nondisabled children and the requirement that students with disabilities must have access to comparable facilities as nondisabled students.
8. If your child is eligible for services under § 504, periodic reevaluations will be conducted to determine if there has been a change in educational needs. Generally, a reevaluation will take place every three years.

- 9. You have the right to be notified by the district prior to any action regarding the identification, evaluation, or placement of your child.**
- 10. You have the right to examine all relevant education records relating to the decisions regarding your child's identification, evaluation, program, and placement. You also have the right to obtain copies of education records at reasonable cost unless the cost would deny you access to the records.**
- 11. You have the right to request amendments of your child's record if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you will be notified of that decision within a reasonable time and you then have a right to request a hearing.**
- 12. You have the right to an impartial hearing if you disagree with the district's actions regarding your child's identification, evaluation, or educational placement. However, if any portion of your complaint is also part of a due process hearing pursuant to the Individuals with Disabilities Education Act (IDEA), that part of the complaint will be set-aside until the conclusion of the due process hearing.**
- 13. If an issue is raised in a § 504 complaint that has previously been decided in a due process hearing pursuant to the IDEA involving the same parties, the due process hearing decision is binding on that issue.**
- 14. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under § 504.**

§ 504 COMPLAINT/GRIEVANCE PROCEDURES

§ 504 of the Rehabilitation Act of 1973 prohibits discrimination against students with a disability in any program receiving Federal financial assistance. No discrimination against any student with a disability will knowingly be permitted in any of the programs and activities of the school district. To ensure the District's compliance with § 504 as it applies to students with disabilities, the following procedures have been adopted:

- 1. If a student claims that he/she has been subjected to discrimination on the basis of his/her disability, in violation of § 504 of the Rehabilitation Act of 1973, or if the District has reason to believe that a student has a disability requiring special education or related services and the student is ineligible for services under the IDEA, a team of people who are knowledgeable of the student's educational needs shall be convened to review and consider all pertinent information related to the suspected disability. This team should be a multi-disciplinary team including, where possible, the student's teachers, parents, principal or designee, and someone qualified to interpret test scores. Information such as grades, classroom documentation, comprehensive assessment data, and other relevant information should be examined. This meeting shall be convened within fifteen (15) calendar days after the District receives a written statement describing the specific discriminatory conduct or as soon after the date as practical when the District becomes aware of the student's disability requiring special instruction or related services.**
- 2. The team described in paragraph #1 above shall determine (i) whether the student is disabled under § 504, and (ii) whether that student, because of the disability, requires special instruction or related services. If the student meets both criteria, the team must determine what services are required to allow the student an equal opportunity to participate and progress in school and school-related activities.**
- 3. If the student's parents disagree with the District's conclusion and recommendations, the parents shall be informed of their right to request an impartial hearing to decide the matter. Hearing requests shall be made in writing to Melissa Bufkin within five (5) calendar days of the District's conclusion and recommendations regarding services. The request shall give specific reasons describing the discriminatory actions by the District and why the District's recommendations are not appropriate. The hearing request shall include a list of services requested by the parents and an explanation of why such services are appropriate, along with copies of any documents upon which the parents rely for support.**
- 4. An impartial hearing shall be held within thirty (30) calendar days of receipt of the written request. The District shall obtain as a hearing officer an individual who is not an employee of the District and who is knowledgeable of § 504. The District may agree with another school district to obtain the services of that district's § 504 Coordinator to serve as the hearing officer. The parent and**

student may take part in the hearing and have an attorney represent them at their own expense. Counsel also may represent the District.

- 5. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of § 504. The District shall be given the opportunity to present evidence supporting its position with respect to the student. The District will make a tape recording of the hearing and a copy of the tape recording will be provided to the parents.**
- 6. The impartial hearing will be conducted in an informal manner with the hearing officer directing the meeting and presentation of evidence.**
- 7. The hearing officer shall make a decision within fifteen (15) calendar days after the conclusion of the hearing. The decision shall be given in writing to the District's § 504 Coordinator and the parents.**
- 8. The decision made by the hearing officer shall be final, except that any party aggrieved by the findings and decision shall have the right to file a civil action with respect to the issues of the due process hearing. Such action may be brought in any court of competent jurisdiction.**
- 9. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under § 504.**