

**Policy # 34**

**SECTION 504 ANNUAL NOTICE**

In accordance with the Rehabilitation Act of 1973, commonly known as Section 504, the School District hereby notifies disabled children and their parents of the School District duty under the Regulations to Section 504.

The School District shall provide a free appropriate public education to each qualified disabled child who resides in the School District regardless of the nature or severity of the disability. The School District shall educate each qualified disabled child with children who are not disabled to the maximum extent appropriate to the needs of the disabled child, and shall also ensure that disabled children participate with non-disabled children in nonacademic and extra-curricular activities to the maximum extent appropriate. A disabled child shall be afforded an equal opportunity for participation in such services and activities.

The School District shall provide disabled children an equal opportunity for participation in physical education courses, interscholastic, club or intramural athletics.

The School District shall conduct preplacement evaluations, and shall establish standards and procedures consistent with Section 104.35 for the evaluation and placement of children who need or are believed to need special education or related services. Periodic reevaluation shall be conducted of children who have been provided special education or related services.

Placement decisions shall draw upon information from a variety of sources and shall be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The School District shall establish and implement a system of procedural safeguards that includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure.

Ref: 34 CFR 104.36-37

## PROCEDURES FOR HEARING AND APPEAL

The Board of Education shall arrange for a hearing to be conducted in accordance with the following rules:

(1) The Board of Education shall appoint an impartial hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the administrative proceedings.

(2) A written or electronic verbatim record of the proceedings before the hearing officer shall be maintained and made available to the parties.

(3) At all stages of the proceeding, where required, interpreters of the deaf, or interpreters fluent in the dominant language of the student's parent, shall be provided at district expense.

(4) The hearing officer shall preside at the hearing and shall provide all parties an opportunity to present evidence and testimony.

(5) The parties to the proceeding may be represented by legal counsel or individuals with special knowledge or training with respect to the problems of children with disabilities, and may be accompanied by other persons of their choice.

(6) In the event the hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(7) In the event the impartial hearing officer determines that the interest of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of the student would best be protected by appointment of a guardian *ad litem*, the impartial hearing officer shall appoint a guardian *ad litem* to protect the interests of such student, unless a surrogate parent shall have previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent pursuant to this section are preserved throughout the hearing whenever a guardian *ad litem* is appointed.

(8) The hearing shall be conducted at a time and place which is reasonably convenient to the parent and student involved and shall be closed to the public unless the parent requests an open hearing.

(9) The parents, school authorities and their respective counsel or representative, shall have an opportunity to present evidence and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the

introduction of any evidence the substance of which has not been disclosed to such party at least five days before the hearing.

(10) The parent shall have the right to determine whether the student shall attend the hearing.

(11) The impartial hearing officer shall render a decision, and mail a copy of the decision to the parents, to the Board of Education, not later than 45 calendar days after the receipt by the Board of Education of a request for a hearing or after the initiation of such a hearing by the Board. The decision of the impartial hearing officer shall be based solely upon the record of the proceeding, and shall set forth the reasons and the factual basis for the determination. The decision shall also include a statement advising the parents and the Board of Education of the right to obtain a review of such decision by a court of competent jurisdiction. The decision of the impartial hearing officer shall be binding upon both parties unless appealed.

(12) If the parent or the Board of Education is not satisfied by the decision of the hearing officer, review of the decision may be sought in a court of competent jurisdiction, generally federal court.

(13) The parent may file a complaint with the Office for Civil Rights (OCR) if the parent believes that the District has violated ' 504.

First Reading:	February 15, 2017
Second Reading:	March 1, 2017
BOE Adoption:	March 1, 2017