



SECTION 504 SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 is a federal law which prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The Act defines a person with a handicap as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
2. Has record of such impairment; or
3. Is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system. Grievances concerning any violation of this policy should be submitted in writing to the District's Compliance Officer. The Compliance Officer shall conduct any necessary investigation. The Superintendent or designee shall provide a prompt and equitable resolution of the complaint.

With respect to students, the District has specific responsibilities under the ACT, which are detailed in the Procedural Safeguards Notice to parents/guardians with children who are disabled as defined under Section 504. The Procedural Safeguards Notice reads as follows:

**Upper Arlington City School District
Section 504 of the Rehabilitation Act of 1973
Procedural Safeguards Notice**

The following is a description of the rights and options granted by federal law to students with disabilities under Section 504 of the Rehabilitation Act and their parents/guardians. Should you have any question, please contact the Section 504 Coordinator. Parents/guardians with children who are disabled as defined under Section 504 have the right to:

1. Have the District advise you of your rights and options under federal law.
2. Receive notice with respect to identification, evaluation, or placement of your child.
3. Have your children receive a free appropriate public education. This includes the right to have your child educated with students without disabilities to the maximum extent appropriate to the needs of your child. It also includes the right to have the District provide regular or special education and related aids and services that were designed to meet the needs of your child as adequately as the needs of nondisabled students are met.
4. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data, and placement options.
5. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
6. Have your child given an equal opportunity to participate in non-academic and extracurricular activities offered by the District.

7. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
8. A response from the District to reasonable requests for explanations and interpretations of your child's records.
9. Request amendment of your child's education records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the District refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing. This hearing will be according to the Family Educational Rights and Privacy Act (FERPA) and should not be confused with an impartial due process hearing.
10. Request mediation, an impartial due process hearing or review (appeal) related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. You and the student may take part in the hearing and have counsel represent you.
11. Request for mediation. If a parent/guardian disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education for his/her child, the parent/guardian may make a written request for mediation to the Superintendent. The Superintendent will designate an impartial mediator to mediate at a time and place mutually agreeable to the parents/guardians and the District.
12. Requests for impartial due process hearing. The following details the procedure:
 - a. If the parent/guardian disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education for his/her child, the parent/guardian may make a written request for an impartial due process hearing to the Superintendent. This written request must include a description of the nature of the problem of the child including facts relating to the problem and a proposed resolution of the problem to the extent known and available to the parent/guardian at the time.
 - b. The District may initiate a hearing regarding the identification, evaluation, educational placement, of the student or the provision of a free appropriate public education to the student. The District shall notify the parent/guardian of the specific reason(s) for the request.
 - c. Such hearing shall be conducted within forty (40) instructional days after the request, unless the hearing officer grants an extension, and at a time and place reasonable convenient to the District and the parent/guardian. Upon receipt of the parent's/guardian's or a local District's request for a hearing, the Superintendent or designee shall designate the impartial hearing officer. The District shall pay any hearing officer's fee and expenses and shall either tape record the hearing or have the hearing transcribed.
 - d. The child and the parent /guardian shall have the right to counsel of their own choosing. The District may inform the parent/guardian of any free or low-cost legal services available in the area if the parent/guardian requests the information or if the District initiates a hearing.
 - e. The parent/guardian or the parent's/guardian's counsel and the District or its counsel shall have the right to present evidence and testimony, including expert medical, psychological, or educational testimony, at the impartial hearing. Introduction of any evidence at the hearing that has not been disclosed to the other party at least five (5) business days before the hearing is prohibited, subject to the discretion of the hearing officer. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.
 - f. Within twenty-five (25) instructional days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include finding of fact, conclusions of law, and order, if necessary, which will be binding on all parties. The dated decision shall be sent by mail to the parent/guardian and the Superintendent and shall contain notice of the right to a review of the decision. The decision shall be

implemented no later than twenty (20) instructional days following the date of the decision, unless review is sought by either party.

- g. If a due process hearing has been requested under the Individuals with Disabilities Education Act (IDEA) or ORC Chapter 3323, a hearing officer qualified as to the IDEA/Chapter 3323 proceeding may preside in a joint hearing for IDEA/Chapter 3323 and Section 504. The hearing and appeal procedures and timelines will proceed in accordance with the IDEA/Chapter 3323 or Section 504. The issues for each IDEA/Chapter 3323 or Section 504 determination shall be clearly defined at the outset, and the determination by the hearing officer will be separate and distinct.

13. Requests for review (appeal) of the hearing. The following details the procedure:

- a. A petition to review (appeal) the decision of a hearing officer may be made by any party to the hearing. The request must be in writing, sent to the Superintendent and the opposing party, be specific as to the objections, and be postmarked within twenty (20) days of the date of the hearing officer's decision. The District is responsible for hiring and paying any costs of an Impartial Review (Appeals) Officer to conduct an impartial review of the record as a whole and who may, at his/her election, conduct his/her review with or without legal briefing and oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the Petition for Review, unless either party requests an extension of time.
- b. The Review (Appeals) Officer shall issue a decision and send that decision to both parties.