

# **School District of Washington**

## **SECTION 504 PROCEDURAL SAFEGUARDS FOR PARENTS/GUARDIANS AND STUDENTS**

Parents/guardians and students have the right to be informed by the School District of Washington of their rights under section 504. The purpose of these Procedural Safeguards is to advise you of those rights.

1. A student with a Section 504 disability has the right to a free appropriate public education. An appropriate education is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of the disabled student as adequately as the needs of nondisabled students are met and are based upon adherence to Section 504 regulatory procedures.
2. The provision of a free appropriate public education is the provision of educational and related services without cost to the disabled student or through his or her parents/guardians, except for those fees that are imposed on nondisabled persons or their parents/guardians. Funds available from any public or private agency may be used to meet this requirement. Under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.
3. 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.
4. The parents/guardians of a child with a disability has the right to receive notice with respect to identification, evaluation, or placement of the child.
5. 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.
6. A student with a disability has the right to have an evaluation, education and placement decisions made based on a variety of information sources and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.
7. A student with a disability has an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
8. A student with a disability has the right to have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the District) at no greater cost to the parents/guardians than would be incurred if the student were placed in a program operated by the District.
9. The parents of a student with a disability or an eligible student (over 18 years of age) has a right to examine all relevant records relating to decisions regarding the student's identification, evaluation and placement.
10. The parents/guardians of a student with a disability, or an eligible student, have the right to request an impartial due process hearing relating to decisions or actions relating to the student's identification, evaluation, program or placement. The procedures for requesting an impartial due process hearing are described below.

11. The parents/guardians of a student with a disability, or an eligible student, have the right to contact the School District of Washington for issues unrelated to the identification, evaluation, program or placement of the student.

Persons who believe that the School District of Washington is discriminating against eligible students on the basis of disability may also file complaints in accordance with Board of Education Policy AC with the District's compliance officer, Dr. Rachael Franssen, 220 Locust Street, Washington, MO 63090, 633-231-2020, [rachael.franssen@sdownmo.org](mailto:rachael.franssen@sdownmo.org) and/or the office of Civil Rights, Kansas City Office, U.S. Department of Education, 10220 North Executive Hills Boulevard, 8th Floor 07-6010, Kansas City, Mo 64153-136.

The School District of Washington's 504 Coordinator is Dr. Joseph Dierks and may be reached at [Joseph.dierks@sdownmo.org](mailto:Joseph.dierks@sdownmo.org)

#### Due Process Appeal Procedures

1. If a parents/guardians, or eligible student, intend to challenge action proposed or refused by the School District of Washington, the parents/guardians or eligible student must file a written notice of appeal within ten (10) calendar days from the time that the parents/guardians or eligible student receives written notice of the proposed or refused action. The Notice of Appeal should be filed with Dr. Joseph Dierks, District 504 Coordinator at [joseph.dierks@sdownmo.org](mailto:joseph.dierks@sdownmo.org); If Dr. Dierks was part of the team subject to the appeal, notice of appeal should be files with Dr. Rachael Franssen, Assistant Superintendent at [rachael.franssen@sdownmo.org](mailto:rachael.franssen@sdownmo.org)
2. The Notice of Appeal must state the specific circumstances including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The School District of Washington will acknowledge, in writing, all Notice of Appeal within ten school days of receipt. Parties filing a notice of appeal under this procedure are entitled to confidentiality in accordance with the all applicable laws.
3. The School District of Washington will, within twenty (20) school days of the district's receipt of the Notice of Appeal, appoint and retain a single impartial hearing officer to hear and decide the Notice of Appeal. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the School District of Washington. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The School District of Washington is not required to consult with the parents/guardians or eligible student with respect to the hearing officer appointment.
4. Upon receipt of the Notice of Appeal, the Superintendent or his/her designee will promptly investigate the circumstances giving rise to the hearing request. That investigation shall not delay the School District of Washington's processing of a request for a hearing. In addition, within ten (10) days of the receipt of a Notice of Appeal, the Superintendent or his/her designee will contact the parents/guardians or eligible student in an attempt to find a resolution to the issues stated in the Notice of Appeal. The parents/guardians or eligible student will be invited to participate in an information resolution meeting to give the parents/guardians or eligible student an opportunity to discuss the matters in dispute in an effort to resolve those matters without a need for a hearing. The parents/guardians or eligible student is not required to participate in such a meeting and the parents/guardians or eligible student's refusal to participate in such a meeting cannot delay or eliminate the right to an impartial hearing.
5. The parties to the hearing have the following rights:

- a. The right to inspect all relevant records, including personally identifiable records of the student;
- b. The right to be represented and advised by an attorney at their own expense;
- c. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
- d. The right to obtain a record of the hearing;
- e. The right to obtain written findings of fact, conclusion of law, and decision.

6. The hearing officer must hold the hearing within forty (40) days of his/her appointment as hearing officer. If the hearing officer's schedule does not permit a hearing within 40 days, a hearing may be held for good reason, outside of this forty 40 day period. 7. The hearing officer shall render a final, written decision no later than 30 days following the completion of the hearing. A decision may be rendered after 45 days for good cause shown. The decision of the hearing is final and binding subject to judicial review procedures outlined below.

8. The School District of Washington is responsible for costs directly attributed to the provision of administration hearings described in these procedures including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The School District of Washington is not responsible for the cost of legal counsel or other representatives of the parents/guardians or eligible student for the cost of producing or reproducing the evidence presented by the parents/guardians or eligible student.

9. Any timeline specified herein may be extended by agreement of the School District of Washington and parents/guardians or eligible student or by order of the hearing officer.

10. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.

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