

Bulletin 1903/Section 504
POLICY STATEMENT-PARENTAL RIGHTS

It is the policy of the Jefferson School District to provide a free and appropriate public education to all handicapped students within its jurisdiction, regardless of the type of handicap or its severity. Students who are handicapped consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated, and provided with appropriate instructions and educational services. Persons who are thought to be handicapped shall have the following rights in accordance with Section 504:

- 1.) Right to file a grievance with the district concerning allegations of violations of Section 504 plans.
- 2.) Right to an evaluation drawing upon different sources.
- 3.) Right to be informed of any actions pertaining to eligibility and any proposed service plans.
- 4.) Right to review any personal information in an understandable mode.
- 5.) Right to periodic evaluations.
- 6.) Right to evaluation prior to any significant change in service.
- 7.) Right to contest the district's proposed actions through an impartial hearing.
- 8.) Right to appeal the decision from any hearing.

NOTICE

As a parent, you have a right:

1. to be notified before the school (a) identifies, assesses, or places your child on ground of having handicapping conditions; (b) changes and identification, assessment, or placement that has been made; or (c) rejects your request that these actions be taken.
2. to receive all such notices in writing or orally and in the language you speak and understand best. If there are parents whose native language is not a written language, the school officials will ensure that (a) the notice is explained orally or in a mode of communication you understand; (b) you understand the information given, and (c) there is evidence that this requirement has been met.
3. to be notified of each evaluation procedure, test, record, or report the school will use the basis for making any decision(s) regarding your child.
4. to a description of any program options the school considered, and why these options were not used.
5. to be informed of any other relevant factors school officials considered in their recommendation or rejection decision.

CONSENT

Your written consent will be sought before the school:

1. will evaluate your child individually with any tests that are not administered to most other students. Your written consent will be necessary prior to administering any individual psychological test.
2. will implement the Accommodation Plan.

Before your consent is given, the school will explain in your native language what you are agreeing to, and the school will ensure that you understand it. Your consent is to be given freely, and you may withdraw it at any time. If you do not give your consent, your child's basic right to attend school and participate in school activities will not be affected by your refusal.

In you refuse to give consent, and the school administrators believe what they propose is in your child's best interest, the school may evaluate your child, excluding individual psychological test administration. The school may request a hearing (subject to state laws and procedures) concerning the letter. An independent hearing officer would then decide whether your child should be administered psychological tests or provided special accommodations, instruction, related services and aids without your consent. If you do not give consent to evaluate, the school will proceed with its evaluation;

however, individual psychological tests will be included in the evaluation. The school may request a hearing to resolve use of these instruments. You have the right to attend this hearing and tell why you refuse to give your consent. If the hearing officer upholds the school, the school may then evaluate and provide special instruction, related services and aids to your child without your consent unless you appeal the decision.

EVALUATION AND PLACEMENT PROCEDURES

Before your child receives specialized education services, and individualized evaluation must be conducted. This means your child may be given specific tests and other measures which are not usually given to most school children. In this circumstance, your child has a right to:

1. be evaluated in the language or other mode of communication which he or she speaks and/or understands best.
2. be evaluated in such a manner that results are not affected by race or culture.
3. be evaluated by qualified professionals using valid tests which are given according to proper instructions.
4. be evaluated by a group of persons who are knowledgeable about the kind of problem your child is thought to have.
5. be evaluated in all areas related to the suspected problem.
6. be evaluated through procedures which determine specific areas of educational need, not just an intelligence test.
7. receive a complete reevaluation as set forth in the Accommodation Plan.

Test must be given to children with impaired hearing or vision, or restricted ability to move or speak, in such a way as to measure potential ability or what has been learned, and not the degree of impairment, unless measuring impairment is the purpose of the test.

When looking at results and deciding on the best placement and program for your child, the school must:

1. collect information from different sources.
2. guarantee that this information is accurate, documented and carefully considered.
3. ensure that the decisions are made by a group of professionals including persons who know about your child and are professionally capable of interpreting the test results and then relating those results to appropriate options.
4. ensure that the placement decision is made in such a way that your child may be educated, to the extent appropriate, with children who are not handicapped.

RECORDS

If it is determined that your child is handicapped and is in need of specialized education, related services and aids, an Accommodation Plan will be developed. You have a right to:

1. receive, upon request, a list of the types of education records kept on your child, where they are maintained, and how you can gain access to them.
2. inspect and review any of your child's records. The school must comply with your request to do so (a) without unnecessary delay, (b) before the Accommodation Plan meeting or hearing, and (c) in a timely manner.

The school may not charge to search for or collect the information.

You have a right to:

1. have someone at your child's school explain or interpret any item in your child's records.

2. receive copies of the records if this is the only way to ensure that you will be able to review and inspect them. The school may charge a fee for the copies, if such a charge does not prevent you from inspecting and reviewing the records.
3. have a representative inspect and review the records.

The school must assume that you have the authority to inspect and review your child's records unless they have been informed that you do not have this right (for example, because of legal action such as custody). If you feel that any statements in your child's records are wrong or misleading, you may ask the school to change them. The school must either change such statements in a reasonable period of time or formally refuse to do so. If they refuse, school officials must inform you of your rights to a hearing on the matter.

If you request such a hearing, the school must hold one. This hearing does follow the process described in the "Hearing" section of this explanation of rights. If the hearing is decided in your favor, school officials must change the information and inform you of the change. If the information is held to be accurate by the school and a decision is made not to change the information, you have the right to add your own statement to the record. Your statement must be kept as long as the contested part of the overall record is kept. If that record is shown to anyone, your statement must be included.

CONFIDENTIALITY OF INFORMATION

The school is responsible for protecting the confidentiality of your child's education records by:

1. naming the individual who is responsible for ensuring the confidentiality of records.
2. guaranteeing that all persons who collect or use such information receive training in the state's policies and procedures regarding confidentiality.
3. keeping, for public inspection, a list of employees who are permitted access to these records.
4. permitting you to see only that information which relates to your child when records contain information on more than one child.
5. requiring your consent before your child's education records are given to anyone not involved in your child's education.
6. requiring your consent before using your child's records for any purpose other than those related to providing special education and related services.
7. informing you when confidential information on your child is no longer needed. This information must be destroyed at your request. The school should remind you that these records may be needed later, for example, to secure social security benefits. If you decide to have confidential information destroyed, the school may retain information typically found in a child's permanent school record (for example: name, address, attendance records, and grades).

LEAST RESTRICTIVE ENVIRONMENT

Your child has a right to:

1. be educated, to the extent appropriate, with students who are not handicapped.
2. be in a regular classroom unless the nature or severity of the handicap is such that he or she cannot receive a satisfactory education in the regular classroom by using additional aids and services.
3. have a range of placements available, including regular school classes, special classes, special schools or institutions, residential placements and home instruction.
4. participate to the extent appropriate with non-handicapped, unless the Accommodation Plan provides for a different placement.

Your child's educational placement must be (1) reviewed consistent with the date set forth on the Accommodation Plan, and (2) as close to home as practicable.

In selecting the least restrictive environment for your child, school officials must consider any possible harmful effects that a particular placement or service(s) may have on your child.

HEARINGS

If at any time you cannot come to an agreement with the school regarding your child's education, you have the right to ask for an impartial hearing. A hearing may be held on any matter relating to the identification, evaluation, or placement of your child or the provision of a "free appropriate public education." Either party aggrieved by the hearing decision maintains the right to Judicial Review. To obtain a hearing, you should make a written request to the person who is responsible for the education program your child attends.

HEARING OFFICERS

An impartial hearing officer will be assigned to preside over any such hearing and arrive at a decision. To ensure impartiality, a hearing officer may not be:

1. an employee of a public agency (school system, institution, etc.) which is involved in the education or care of your child.
2. anyone who has a personal or professional interest which would conflict with objectivity in the hearing.

HEARING RIGHTS

Rights to which both you and the school are entitled include the right to:

1. be accompanied and advised by legal counsel and by persons with special knowledge of the problems of handicapped children.
2. present evidence, cross-examine, and compel the attendance of witnesses.
3. prohibit the introduction of evidence that had not been revealed to your or to the school at least five days before the hearing.
4. receive a written or recorded verbatim record of the hearing.
5. receive a written record of the findings of fact(s) and decisions of the hearing.
6. have your child attend the hearing if you wish.
7. open the hearing to the public if you wish.
8. have the hearing conducted at a time and place reasonably convenient to you.