

Notice of Rights Under Section 504 and the ADA

The following list of rights and options are given to make parents aware of laws about the evaluation and/or special instruction, which may be offered to their child. Should parents have any questions, contact Mr. Brian Bowan, Section 504 Coordinator. Parents also have the right to meet with the Superintendent or designee, the local School Board, or the U.S. Department of Education's Office for Civil Rights to resolve objections to either evaluation or educational placement. The School will provide information about free or low-cost legal services that may be available to help you understand your rights upon request. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition.
2. Have the school district advise you of your rights and options under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided nondisabled students.
6. Have your child receive special education and related services if he/she is eligible under the Individuals with Disabilities Education Act (IDEA), and/or general education intervention and modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.
7. 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.
8. Have your child given an equal opportunity to participate in activities offered by the district.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. A response from the school district to reasonable requests for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
13. File a written complaint with the school when you believe your child's rights have been violated. You should submit this complaint to:

Dr. George Philhower
Superintendent
10370 E 250 N
Charlottesville, IN 46117
Phone: (317) 936-5444
Fax: (317) 936-5516

Dr. Philhower is the person responsible for assuring that the district complies with Section 504 and the American with Disabilities Act (ADA)

Your complaint should fully explain the circumstances relevant to your complaint. Upon receipt, the school administration will investigate the matter and submit a written report to you with ten instructional days. You may then submit a letter of appeal to the school board explaining your disagreement with the School's response to your complaint. Within ten instructional days from receipt of your appeal, the Director of Special Services will send a reply letter to you. Note that you may file a complaint with the Office of Civil Rights at any time.

14. If your complaint cannot be resolved through a less formal procedure, you may request mediation or an impartial hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. The costs for mediation and/or the hearing are borne by the local school corporation. You and the student may take part in the hearing and have an attorney represent you.
15. Hearing requests must be made to Dr. George Philhower, Superintendent. The following details the procedure:
 - a) If the parent/guardian disagrees with the identification, evaluation, educational placement, or the provisions of a free appropriate public education for his/her child, the parent/guardian may make a written request for a hearing to the Superintendent of Schools, indicating the specific reasons for the request within 35 days of the alleged violation.
 - b) The local school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The local school district shall notify the parent of the specific reasons for its hearing request.
 - c) Such hearings shall be conducted at a time and place reasonably convenient to the parent within 20 instructional days after the request, unless the hearing officer grants an extension. Upon receipt of the parent's or local school district's request for a hearing, the local Superintendent or designee shall designate the independent hearing officer. The local school district shall bear the costs of the hearing, including the transcription, hearing officer's fee, and expenses; but shall not be responsible for the fees and expenses incurred by the parent/guardian. The parent involved in a hearing shall be given the right to have the child who is the subject of the hearing present, and/or open the hearing to the public, and be represented by legal counsel or another representative.

- d) During the pendency of the hearing, unless the local school district and the parent of the child agree otherwise, the child involved in the proceeding may remain in his/her present educational placement.
- e) The decision of the hearing officer shall be based solely upon the evidence presented at hearing. The school shall bear the burden of proof as to the appropriateness of any placement, transfer, or the denial of same.
- f) An audio recording or other verbatim record of the hearing shall be made and upon request, shall be made available to the parent or the parent's representative at local schools district's expense. At a reasonable time prior to the hearing the parent or the parent's representative shall be given access to all records of the local school district pertaining to the child, including all tests and reports upon which the proposed action may be based. The parent or parent's representative shall have the right to compel the attendance, to confront, or to cross-examine any witness who may have evidence upon which the proposed action may be based. The parent or the parent's representative and local school district shall have the right to present evidence and testimony, including expert medical, psychological, or educational testimony. Introduction of any evidence at the hearing that has not been disclosed to both parties at least 5 days before the hearing is prohibited, subject to the discretion of the hearing officer.
- g) Within 15 instructional days after the hearing, the hearing officer shall render a decision in writing. The decision shall include findings of fact, conclusions of law, and orders, if necessary, which will be binding on all parties. The dated decision shall be sent by mail to the parent and the Superintendent of the school and shall contain notice of the right to review the decision. The decision shall be implemented not later than 20 instructional days following the date of the decision, unless either party seeks review.

16. Request a review of the hearing should you not prevail. 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, filed with the local superintendent and the opposing party, be specific as to the objections, and be filed within 20 instructional days of the date the hearing officer's decision is received. The school is responsible for the appointment of an independent appeals officer to conduct an impartial review of the record as a whole who may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within 20 instruction days of the receipt of the Petition for Review, unless either party requests an extension of time or the Board on its own motion extends the timelines.
- b) Any party disagreeing with the decision of the independent appeals officer may appeal to any court of competent jurisdiction.
- c) A parent represented by legal counsel during the proceedings of a due process hearing, review (appeal), or civil action may be entitled to reimbursement for legal fees if the parent ultimately prevails.