

504 Notice of Parental Rights

Raleigh County Schools

In accordance with various Federal laws [including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990, as amended (ADA), Family Educational Rights and Privacy Act (FERPA), and Title VII of the Civil Rights Act of 1964, as amended], the following procedural safeguards are provided with respect to decisions or actions regarding the identification, evaluation, or placement, or content of a 504 Plan of a student who is or may be disabled under Section 504, but not also disabled under the Individuals with Disabilities Education Improvement Act (IDEIA or IDEA 2004):

1. students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities;
2. parents have the right to be advised of their rights under Section 504;
3. parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;
4. parents have the right to have their child receive a free appropriate public education (FAPE) if the child has a physical or mental impairment that substantially limits one or more major life activities;

This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily and to receive regular or special education and related aids/services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met.

5. parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;
6. parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options;

If the County refers a student for aids, benefits, or services outside the County, the County will ensure that adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services were provided within the County.

7. parents have the right to have their child transported in a non-discriminatory manner; however, if the County makes a FAPE available to the student that conforms to the requirements of Section 504 and nevertheless the parents choose to place the student elsewhere, the County is not required to pay for the student's education at the private or alternative program, including costs associated with transportation.
8. parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the County;
9. parents have the right to examine all relevant education records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement;
10. parents have the right to obtain, at their own expense, an independent educational evaluation of their child;
11. parents have the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parents access to the records;

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12. parents have the right to a response from the County to reasonable requests for explanations and interpretations of their child's education records;
13. parents have the right to receive all information in the parents' native language and mode of communication;
14. parents have the right to periodic reevaluations and an evaluation before any significant change in program/service modifications;
15. parents have the right to request amendments of their child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child;

If the County refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record a statement of why they disagree with the information it contains.

16. parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;
17. parents have the right to file an internal complaint;
18. parents have the right to be represented at any point in the process by an attorney at their own expense;
19. parents have the right to reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim);
20. parents have the right to be notified of their Section 504 rights:
 - a. when evaluations are conducted;
 - b. when consent for an evaluation is withheld;
 - c. when eligibility is determined;
 - d. when a Section 504 Plan is developed; and
 - e. before there is significant change in the Section 504 Plan.

21. Parents have the right to file a formal complaint with the Regional Office for Civil Rights at the address below when you believe your child's rights have been violated:

Director, Office for Civil Rights, Region III-WV
US Department of Health and Human Services
150 S. Independence Mall West – Suite 372
Philadelphia, PA 19106-3499
Phone: 215.861.4441

This is to verify I have received a copy of Section 504 Notice of Parental Rights which informs me of my rights throughout the child-centered educational process.

Student: _____ **DOB:** _____

School: _____ **WVEIS #:** _____

My signature below indicates I have received a copy of my rights.

Signature of Parent/Guardian/Adult Student

Date

Copies are to be made for the Parent, Student Record, and County 504 Coordinator.