

## 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 or guardians. Should you have any questions, please contact the Director of Pupil Services, 5323 Cemetery Rd., Hilliard, Ohio 43026, 614-771-4273. Parents or guardians with children that 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. Parents/guardians either will be invited to participate in 504 Team meetings or otherwise will be given a meaningful opportunity to provide input into 504 Team decisions regarding the identification, evaluation and placement of students with disabilities before such decisions are made,
3. have your child 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 are 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. These sources include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, and information from the parents about the student and the impact the disability has on the student's ability to participate in the District's programs. Information from all sources will be documented and carefully considered.
5. no cost for transportation charged to students with disabilities beyond what is charged to students without disabilities if the District places the student with a disability at the alternate placement because it is unable to offer the student a FAPE in the 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 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 and the District. Parents, guardians and the student have a right to participate and to representation by counsel.
11. 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 provisions 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 or 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 40 instructional days after the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to the District and the parent. Upon receipt of the parent's or 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 shall have the right to examine relevant records, to participate and to be represented by counsel. The District may inform the parent of any free or low-cost legal, services available in the area if the parent requests the information or if the District initiates a hearing.

- E. The parent or the parent's counsel and the District or its counsel shall have the right to present evidence and testimony, including expert medical, psychological or education testimony at the impartial hearing. Introduction of any evidence at the hearing that has, not been disclosed to the other party at least five 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 25 instructional days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings 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 and the Superintendent and shall contain notice of the right to a review of the decision. The decision shall be implemented no later than 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 Ohio Revised Code Chapter 3323, a hearing officer qualified as to the IDEA/Ch. 3323 proceeding may preside in a joint hearing for IDEA/Ch 3323 and Section 504. The hearing and appeal procedures and timeline will proceed in accordance with the IDEA/Ch. 3323. The issues for each IDEA/Ch. 3323 or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

12. request 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 post-marked within 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 20 instructional days of the receipt of the Petition for Review, unless either party requests an extension of time. Parents, guardians and the student have a right to participate and to representation by counsel.
- B. The Review (Appeals) Officer shall issue a decision and send that decision to both parties.