

WCPSS- SECTION 504 PARENT AND STUDENT RIGHTS

The following is a description of student and parent rights under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act (ADA). The law requires that you be kept fully informed concerning decisions about your child and that you be informed of your rights if you disagree with any of these decisions.

Parents have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability;
2. Have the school district advise you as to your rights under federal law;
3. Receive notice with respect to evaluation, identification, or placement of your child;
4. Have your child receive a free appropriate public education, including being educated with other nondisabled students to the maximum extent appropriate and having 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 students without disabilities;
6. Have evaluation, identification, and placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options;
7. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district;
8. Examine all relevant records relating to decisions regarding your child's evaluation, identification, educational program, and placement;
9. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records;
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. 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 and receive notification and information about your right to a hearing if the school district refuses this request;
12. Pursue a 504 complaint pursuant to Wake County Board of Education Policy 1720/4015/7225 (Discrimination, Harassment, and Bullying Complaint Process) for allegations of discrimination, harassment, or retaliation on the basis of disability;
13. Pursue the Alternative Dispute Resolution Procedure for any disagreement with respect to actions regarding your child's evaluation, identification, educational plan or placement; and
14. Request an impartial hearing related to decisions regarding your child's evaluation, identification, educational plan or placement at any time. You and your child may take part in the hearing and have an attorney represent you.

DISPUTE RESOLUTION

Parents are encouraged to reach out to the 504 contact/chairperson at their child's school to address any concerns with the 504 Program for their child. Oftentimes, concerns can be addressed quickly and easily through a 504 Team meeting. If this proves unsuccessful, school administrators as well as the WCPSS 504 Intervention Coordinator, are also resources for parent concerns. However, other mechanisms are also available if these informal measures are not successful or for those parents who would like a more formal process. For dispute resolution procedures regarding complaints of discrimination, harassment, or retaliation, please see Board Policy 1720/4015/7225 (Discrimination, Harassment, and Bullying Complaint Process). For disagreement with respect to actions taken regarding the evaluation, identification, educational plan or placement for a student who, because of disability, needs or is believed to need a

Section 504 plan, a parent or guardian may file a grievance in accordance with procedures described in this section. They may also request a due process hearing before any impartial hearing officer at any time.

Grievance Procedures

STEP I – Principal Conference. A student, parent, or guardian wishing to invoke the 504 appeals process for a complaint about actions regarding the student’s evaluation, identification, educational plan or placement under Section 504 shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The request shall state with particularity the basis for the grievance and the remedy being sought. The following additional guidelines shall be observed in Step I:

- a. A grievance shall be filed as soon as possible but not longer than thirty calendar days after disclosure of the facts giving rise to the grievance.
- b. The principal shall grant the conference within ten school days following receipt of the request. The principal will state in writing his/her position on the question to the individual within ten (10) school days following the conference.
- c. Only the parent, guardian, or someone acting in loco parentis shall be permitted to join or represent the student in the conference with the principal.

STEP II – Appeal to the Superintendent. If the grievance is not resolved at Step I, the student, parent, or guardian may appeal the principal’s decision in writing to the Assistant Superintendent, Student Support Services, as designee for the superintendent. The appeal must be received by the Office of Student Support Services within ten (10) school days following receipt of the principal’s written position in response to Step I. The Assistant Superintendent, Student Support Services shall review the grievance within ten (10) school days following the receipt of the appeal. If the Assistant Superintendent determines additional time is needed to develop the factual record, the grievance may be put on hold for fifteen (15) school days (or longer by mutual agreement) to allow time for investigation. A written response shall be made to the student, parent, guardian, and principal from the Assistant Superintendent within ten (10) school days following the review.

STEP III – Appeal for a Section 504 Due-Process Hearing. If the grievance is not resolved at Step II, an appeal may be made for an independent hearing. The appeal must be made by submitting a Section 504 Hearing Request Form to the Office of Student Support Services. Upon receipt of the Section Hearing Request Form, the Assistant Superintendent will arrange for an independent hearing officer to hear the case. The student is entitled to have his/her parent/guardian participate in the hearing and be represented by counsel if so desired. The hearing officer will inform the parent/guardian of the decision within thirty days of the hearing. While parents are encouraged to first seek resolution of their complaint through Steps I and II, the parent may also request an impartial due process hearing at any point in this process.

STEP IV – If the grievance is not resolved at Step III, there is a right to review by a second independent hearing officer.