

NOTICE OF PARENT AND STUDENT RIGHTS/ PROCEDURAL SAFEGUARDS

The Americans with Disabilities Act Amendments Act (ADAAA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) are civil rights laws that prohibit discrimination based on disability. Section 504 states: *No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination any program or activity receiving Federal financial assistance.* School districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review process. Under Section 504, a person is considered disabled if s/he suffers from a physical or mental impairment that substantially limits one or more major life activities, including but not limited to learning, walking, breathing, eating, working, and seeing.

The purpose of this notice is to inform parents and students of their entitlement to the following rights under Section 504:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this document is to advise you of those rights.)
2. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents.
4. Your child has a right to be educated with children who are not disabled, to the maximum extent appropriate.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. This right includes your child's right to be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. You also have the right to request such an evaluation. Any student who needs, or is believed to need, accommodations and/or related services under Section 504 must be referred to the Section 504 Committee for evaluation.
7. You have the right to receive notice and offer consent with respect to decisions regarding formal identification, evaluation, and placement of your child.
8. Evaluation and placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
9. If eligible under Section 504, your child has a right to periodic formal or informal re-evaluations, occurring at minimum every three years.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
11. You have the right to examine relevant records and documents regarding your child.
12. You have the right to file a grievance if you believe that your child is being discriminated against on the basis of a disability. You may file a grievance with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution. Please also see UCPS Board Policy 4-7.

The Section 504 Coordinator for the Union County Public Schools is:

Dr. Wendy Gravely
Union County Public Schools
400 North Church Street
Monroe, NC 28112
Phone: 704.296.6389
wendy.gravely@ucps.k12.nc.us

13. If you disagree with the Section 504 Coordinator's resolution of your grievance, you have a right to file an appeal of the Section 504 Coordinator's decision with the Superintendent or his or her designee. The appeal must be made in writing within 15 business days of receiving the District Section 504 Coordinator's response to the Executive Director – Office of Academics:

Dr. Jonathan Bowers
Union County Public Schools
400 North Church Street
Monroe, NC 28112
Phone: 704.296.0840
jonathan.bowers@ucps.k12.nc.us

14. If you disagree with the response issued by the Superintendent or Superintendent's designee, you have the right to file an appeal in accordance with the Union County Public Schools Board of Education Policy 4-7 AG (B) to the Board of Education.
15. You have the right to an impartial due process hearing before an impartial Hearing Officer if you wish to challenge an action or omission with regard to your child's **identification, evaluation, or educational placement** under Section 504. You and your child have the right to participate, speak, and present information at the hearing, and you have the right to be represented by counsel, or any other type of advocate or representative at your expense. The written request for an impartial due process hearing may be made on a form provided by Union County Public Schools for that purpose and submitted to the Executive Director – Office of Academics. The Superintendent's designee is:

Dr. Jonathan Bowers
Union County Public Schools
400 North Church Street
Monroe, NC 28112
Phone: 704.296.0840
jonathan.bowers@ucps.k12.nc.us

16. You also have a right to file a complaint with the Office for Civil Rights, U.S. Department of Education:

400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 877-521-2172
Email: OCR.DC@ed.gov

In compliance with federal law, Union County Public School system administers all educational programs, employment activities, and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.