

Baldwin County School District

Notice of Parent/Student Educational Rights under Section 504

If it is determined that a student has a physical or mental impairment that substantially limits a major life activity and, as a result, requires instructional or other appropriate accommodations within the school environment, that student is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if a student does not have a disability but has a record of a disability or is considered disabled by school personnel, that student is protected from discrimination under Section 504. If a child is disabled or a parent believes that his or her child is disabled or has been discriminated against because of a disability, that parent is entitled to certain rights. This notice is designed to provide Baldwin County School District's parents and students with information about those rights.

While services provided to qualified students are not required to produce identical results or levels of achievement with non-disabled peers, services must be designed to offer an equal opportunity to gain the same benefit within the least restrictive environment with non-disabled peers to the maximum extent appropriate.

Under Section 504, a student has the right to:

1. Participate in all school activities without discrimination solely on the basis of disability;
2. Be educated in facilities and receive services that are comparable to those provided to non-disabled students;
3. Receive an education designed to meet the student's individual educational needs as adequately as the needs of non-disabled students;
4. Receive free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the School District are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student;
5. To participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to the student's needs;
6. To an evaluation prior to a Section 504 determination of eligibility;
7. If the student is eligible for services under Section 504, the right to periodic reevaluations, including prior to any subsequent significant change of placement; and
8. A student with a disability may not be discriminated against based solely on the basis of disability with regard to the opportunity to compete for participation in nonacademic and extracurricular activities offered by the District.

With respect to the provision of educational services under Section 504, a parent has the right to:

1. Notice with respect to actions regarding the identification/eligibility, evaluation or educational placement for your child;
2. Access all records relevant to decisions concerning identification/eligibility, evaluation or educational placement of your child
3. Have evaluation, education and placement decisions

made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options;

4. To ensure that the School District will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations;

5. Challenge any action regarding the identification/eligibility, evaluation or educational placement of your child by requesting mediation and/or an impartial hearing;

The procedures and forms for the initiation of an impartial hearing regarding the identification, eligibility, evaluation or educational placement of your child may be obtained from the District's Section 504 Coordinator or your child's principal.

6. To receive a copy of this notice and a copy of the School District's impartial hearing procedures upon request.

7. Participate in any hearing requested;

8. Be represented at your expense by counsel at the requested hearing; and

9. Appeal any decision by the impartial hearing officer to the State Board of Education.

10. With regard to disability discrimination or any other disability issue unrelated to the identification/eligibility, evaluation or placement of the student, a parent has the right to file a local grievance with the District in accordance with Board Policy JCE-R. Board Policy JCE-R may be obtained from the School District's website, from the District's Section 504 Coordinator or your child's principal.

11. The District may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under Section 504 of the Rehabilitation Act of 1973. If a parent contends that he or she is or has been retaliated against because of his or her child's disability or because of asserting any rights under Section 504, that parent should notify the District's Section 504 Coordinator listed below.

12. If a parent believes the School District has not acted in compliance with the law, that parent has the right to file a complaint with the Office of Civil Rights at U.S. Department of Education, 61 Forsyth Street SW, Suite 3B70, Atlanta, GA 30303-8927.

If you think your rights or the rights of your child have been violated, you may contact the Section 504 Coordinator for the Baldwin County School District, Julio Delgado, at 110 North ABC Street, Milledgeville, Georgia 31061, for all complaint procedures and forms or at (478) 457-2916 if you have any questions or concerns.