

**NOTICE OF PARENT/STUDENT RIGHTS IN IDENTIFICATION,  
EVALUATION, AND PLACEMENT OF INDIVIDUALS WITH  
DISABILITIES**

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Mt. Iron-Buhl Independent School District #712.

The following list of rights is given to ensure the parent/guardian's awareness of the regulations about the evaluations of and/or special instruction which may be offered to his/her child. Should the parent/guardian have any questions, contact 504 Coordinator. The parent also has the right to meet with the superintendent or designee and/or the local school board to resolve any objections to either the evaluation or educational placement of the student.

1. Section 504 is administered by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504 issues or want to file a complaint with the Office for Civil Rights, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)  
U. S. Department of Education  
500 W. Madison Street Suite 1475  
Chicago, Illinois 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (312) 730-1609  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

II. The following is a description of the rights created by federal law to individuals with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

- A. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability.
- B. Have the school district advise you of your rights under federal law.
- C. Receive notice with respect to the identification, evaluation, or placement of your child.
- D. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.

- E. Have your child educated in facilities and receive services comparable to those provided to nondisabled students.**
- F. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), and/or general education intervention/modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.**
- G. Have evaluation, educational, and placement decisions made based upon a variety of information and sources, and by persons who know the student, evaluation data, and placement options.**
- H. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the school district.**
- I. Have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.**
- J. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.**
- K. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.**
- L. A response from the school district to reasonable requests for explanations and interpretations of your child's records.**
- M. 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. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.**
- N. Request an impartial hearing, and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The costs for these due process procedures will be borne by the school district. You and your child may take part in these proceedings and have an attorney represent you. Requests for due process must be made to the superintendent or the Section 504 coordinator. The following details the procedures:**

1. If the parent/guardian disagrees with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for his/her child, the parent/guardian may make a request for a hearing to the superintendent, indicating the specific reason(s) for the request.
  2. The school 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 school district shall notify the parent/guardian of the specific reason(s) for the request.
  3. Such hearings shall be conducted within twenty (20) instructional days after the request is received, unless the hearing officer grants an extension, and at a time and place reasonably convenient to the parent/guardian. Upon receipt of a request for a hearing, the superintendent shall appoint the independent hearing officer. The school district shall bear all costs pertaining to the hearing, including the transcription, hearing officer fee and expenses, but shall not be responsible for the fees and expenses incurred by the parent/guardian except for those detailed below. The parent/guardian involved in a hearing shall be given the right to have the child who is the subject of the hearing present, open the hearing to the public, and be represented by counsel or any other representative.
- O. Request a review (appeal) of the hearing, should you not prevail. The following details the procedure:
1. A petition to review (appeal) the decision of the hearing officer may be made by any party to the hearing. The request must be filed with the superintendent and the opposing party, be specific as to the objections, and be filed within twenty (20) instructional days of the date the hearing officer's decision is received. The school district is responsible for the appointment of an independent appeals officer to conduct an impartial review of the record as a whole and may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
  2. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
  3. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.

- 4. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.
- P. Ask for payment of reasonable attorney fees if you are successful on your claim.
- Q. File a local grievance.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is :

**Section 504 Coordinator  
1201 13th Avenue South  
PO Box 1286  
Virginia, MN 55792  
Phone: 1-800-450-4772 or 218-741-9201  
Fax: 218-741-5384**

### **SECTION 504 GRIEVANCE PROCEDURE**

#### **Pre-filing Procedure**

Prior to the filing of a written or oral complaint, the student/parent or employee is encouraged to visit with the 504 Coordinator and make a reasonable effort to resolve the problem or complaint:

**Section 504 Coordinator  
1201 13<sup>th</sup> Avenue South  
PO Box 1286  
Virginia, MN 55792  
Tel. (218) 741-9201 / 1-800-450-47772**

A grievance may be filed locally

#### **Grievance Procedure**

Any individual may file a grievance with the school district if the individual believes there has been a violation of Section 504.

Any such grievance must be filed in writing or orally with a reasonable period of time after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and remedy that is being sought.

- Step One:** The grievance shall be submitted to the Section 504 Coordinator who shall investigate the circumstances of the alleged violation. A written report of his/her findings of fact and conclusions will be prepared within ten (10) school days.
- Step Two:** If the grievance has not been resolved in Step One to the satisfaction of the grievant, s/he may appeal the report of the 504 Coordinator to the Superintendent of the school district within five (5) school days of receipt of the report. After investigation and with ten (10) school days of receipt of the appeal, the Superintendent shall affirm, reverse, or modify the report of the Section 504 Coordinator.
- Step Three:** If the grievance has not been resolved in Step Two to the satisfaction of the grievant, s/he may appeal to the school board within five (5) school days of receipt of the report in Step Two. The school board shall conduct an informal hearing in an open meeting to review the alleged violation. The board shall give each party at least five (5) schools day's notice of its meeting. The board shall affirm, reverse, or modify the report issued under Step Two within fifteen (15) school days of receipt of the appeal.

Board Adopted February 23, 2009