



Parental Rights and Procedural Safeguards

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, Section 504 applies to ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to students without disabilities.

The purpose of this notice is to inform parents and students of the rights granted to them under Section 504 of the Rehabilitation Act of 1973. 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.

There are several times during the planning process when parent(s)/guardian should be provided their rights under Section 504:

- When a referral has been received;
- When eligibility has been determined;
- When a Section 504 Plan is developed; and
- Before there is a significant change in eligibility, placement or the Section 504 Plan

Parental Rights:

1. Have the district advise you of your rights under federal law;
2. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child evaluated by the district prior to determining eligibility under Section 504;
5. To be notified prior to any action (be it a proposal or refusal) regarding the identification, evaluation, or placement of your child;
6. Have evaluation, educational, and plan of services decisions made based upon a variety of information sources, and by persons who know your student, the evaluation data, and placement options;
7. Have periodic review of your child's educational need for Section 504 plan of services;
8. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled 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;
9. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
10. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
11. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement and obtain copies of educational records;
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. File a local grievance with the District 504 Coordinator;

14. Request mediation an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you at your own expense. The impartial Hearing Officer will be selected by the district;
15. Hearing requests must be made to the District Section 504 Coordinator.

Questions & Dispute Resolution

If questions or disputes arise regarding the identification, assessment, placement, or the provision of a Section 504 Plan, the following staff is available to provide assistance. Questions and disputes should be attempted to be resolved at the school level first.

1. School Level
 - a. Section 504 Case Manager
 - b. Principal (designee)
2. Director of Special Programs
Christy Castro
Director of Special Programs
ccastro@blaineschools.org
208-578-5006
3. Superintendent Office
James Foudy
Superintendent of BCSD
jfoudy@blaineschools.org
208-578-5001

Impartial Due Process Hearing

Impartial hearings are also available to resolve disagreements as part of the due process procedure. Parents have the right to participate in the hearing and to be represented by counsel. Requests for a hearing should be addressed to:

Idaho State Department of Education

650 West State Street
Boise, ID 83702
Phone 208-332-6800
Fax 280-334-2228

Office of Civil Rights (OCR)

At any time, parents have the right to file a complaint with the Office of Civil Rights (usually the regional office), which in addition to technical assistance activities, conducts compliance reviews and complaint investigations. The complaint generally should be filed within 180 days of the alleged discriminatory action. The address is:

Office for Civil Rights, District of Columbia Office
U.S. Department of Education
1100 PA Ave, NW., Rm. 316
P.O. Box 14620
Washington D.C. 20044-4620
(202) 786-0500; FAX (202) 208-7797; TDD (877) 521-2172