

SECTION 504 PARENT AND STUDENT RIGHTS

(Section 504 of the Rehabilitation Act of 1973)

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the US Department of Education. It applies to ensure that eligible students are provided with educational benefits and opportunities equal to those provided to non-disabled students. The purpose of this notice is to inform parents and students of the rights granted them under the law and 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.

Under Section 504 you have the right to:

1. Have your child reasonably take part in and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law upon request;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate.
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities whenever reasonable;
6. Have your child be given a reasonable equal opportunity to participate in non-academic and extracurricular activities offered by the school district;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, by a group of persons who know the student, the evaluation data, and placement options;

8. Have your child receive reasonable accommodations and related services if they are needed in order for the child to receive a free appropriate public education;
9. Examine all relevant Education Records relating to decisions regarding your child's identification, evaluation, educational program, and placement; and
10. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's record.

Disabled parents/guardians will be afforded reasonable accommodation if required to allow participation in their child's education.

The person in the Milford School District who is responsible for assuring that the District complies with Section 504 is the Director of Student Services:

Section 504 Coordinator
Milford School District
906 Lakeview Avenue
Milford, DE 19963
302-422-1600

Grievance Policy to Address Disability-Based Discrimination

The Milford School District strives to provide an environment free from discrimination. The District encourages students, parents and staff to identify barriers to a discrimination-free and appropriate learning environment in all schools. Any employee, parent/guardian of a student enrolled in the Milford School District, or student eighteen years of age or older may file a grievance if he/she believes they or their child has been subjected to discrimination on the basis of disability by students, employees or third parties. All grievances will be received and investigated in a fair and expeditious manner.

Steps to Resolution

Step 1: The best solutions to parent concerns often occur at the school level. Therefore, the District encourages parents to attempt to resolve concerns by working with the building principal or other appropriate building staff to reach a joint resolution of the issue. Contact the building principal to arrange a meeting or to discuss the complaint.

Step 2: If the issue is not resolved at the school level, a formal written grievance form shall be submitted to the District Section 504 Coordinator, within 30 calendar days of the alleged 504 violation to request a hearing. The Coordinator will be independent and impartial. If he or she has prior knowledge of the situation, an independent and impartial designee shall be appointed. He or she will thoroughly and diligently investigate the circumstances of the concern, obtain information as to relevant witnesses and evidence, obtain all relevant evidence, hear equally from the grievant's witnesses, accused(s)'s witnesses and other witnesses, equally review all evidence from the grievant and accused and interview and obtain statements from all relevant witnesses, and then present a report of his or her findings of fact and conclusions within 30 business days. The investigation will be adequate and reliable. The report of his or her findings shall be sent to the parties upon completion. The complaint should be sent to:

Milford School District
Attention- Section 504 Coordinator
906 Lakeview Avenue
Milford, DE 19963
302-422-1600

Your letter should contain:

- the child's name, date of birth, address and the school he or she attends;
- your name, address and phone number;
- your relationship to the child (parent, guardian, surrogate);
- name, address and phone number of the person representing you (if you have someone);
- decision of the school with which you disagree and the reason;
- date you received this decision;
- your signature; and
- the following form, completed.

Step 3: The person filing the grievance may appeal the decision of the District Section 504 Coordinator to the Superintendent (or designee) within 10 days of receiving the Section 504 Coordinator's decision. The Superintendent (or designee) shall review all statements and evidence as well as the Coordinator's (or his or her designee's) report, gather such additional evidence as deemed necessary, and then issue a written decision in response to the appeal no later than 30 days after its filing.

Step 4: The person filing the grievance may appeal the decision of the Superintendent to the President of the Board of Education within 10 days of receiving the Superintendent's decision. The person filing the grievance may request a meeting with the Board of Education. The Board of Education has the option of meeting with the person filing the grievance to discuss the appeal. A decision will be rendered by the Board of Education at their next regularly scheduled meeting. The person filing the grievance will be notified in writing of the decision within 10 working days after the Board of Education action.

In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action.

Any party aggrieved shall have the right to file a formal complaint after the Superintendent's (or designee) decision with the U.S. Department of Education, Office of Civil Rights.

Office for Civil Rights, Philadelphia
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215) 656-8541
Fax: (215) 656-8605
E-mail: ocr@ed.gov
OCR Electronic Complaint Form:
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

**Milford School District
Section 504 Grievance Form**

Date: _____ School: _____
Child's Name: _____ Child's D.O.B.: _____
Complainant's Name: _____
Address: _____

Please describe your concerns and why you believe they raise an issue under Section 504. Include a description of what happened, when and where it happened, and who was involved. (Feel free to attach additional pages if necessary.)

Explain the steps you have already taken to resolve the issue, if any.

Describe what resolution to your concerns you would like to see.

Please attach any documents or other information you think will help with the investigation of your complaint.

Signature: _____ Date: _____