

Arlington Public Schools
Section 504 Rights and Procedural Safeguards
504C

(For parents, guardians, and students age 18 or older)

Notice

There are several times during the planning process when parents/guardians or students age 18 or older should be provided their rights under Section 504:

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

In Arlington Public Schools, parents/guardians, and students age 18 or older, have the right to:

- notice of proposed actions related to eligibility and/or a plan or program;
- consent to the initial assessment and initial placement of their child;
- have an assessment that considers information from a variety of sources;
- have a committee knowledgeable about their child, the nature of the suspected disability, and assessment procedures that determine eligibility;
- examine all relevant records of their child, challenge that information and consent to the release of information;
- periodic reassessments, including a reassessment before any significant change in placement;
- have their child educated in the least restrictive environment;
- appeal a decision to the Section 504 Compliance Committee;
- request an impartial hearing over disagreements and be represented by counsel in the hearing;
- appeal the impartial hearing officer's decision to court;
- file a complaint with the Office for Civil Rights; and
- a manifestation determination subsequent to any disciplinary action that results in a change of placement.

Parents/guardians should be notified of all meetings pertaining to the Section 504 process in regards to their child and be encouraged to participate at each step of the process. Parents/guardians have the right to invite additional persons to attend these meetings. Copies of the minutes of all meetings, and copies of all assessment reports, will be made available at no cost to parents/guardians.

Consent

Notification to parents/guardians is required prior to considering whether a student is a student with a disability under Section 504. This notice should include a copy of these rights. Written parental consent is required prior to the administration of individually administered assessments to a student. If such evaluations and/or tests are being conducted as part of a reassessment, parental consent is also required. Parental participation is encouraged in order for the school to provide services in the general education setting.

Records

Parents/guardians have the right to review and request copies of records at their expense. Information from the Section 504 meetings is confidential and can be released only upon written permission of the parents/guardians, or students age 18 or older. Records should be maintained in the student's educational record. Parents/guardians have the right to request that information

in these records be amended if they believe that the information is incorrect, misleading, or in violation of the child's right to privacy. The school district must decide within a reasonable time of the parental request whether to allow such amendment. If the requested amendment is not agreed to by the school district, the parent/guardian has the right to request a hearing to challenge that decision. The hearing shall be held within a reasonable time of the request and may be conducted by any individual, including an official of Arlington Public Schools, who does not have a direct interest in the outcome of the hearing.

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:

Step 1: School Level

Principal or designee (the designee is typically the Assistant Principal at the Elementary level, or the Director of Counseling at the Secondary level). For specific school contact information, visit <http://www.apsva.us/contact> or call 703-228-6000.

Step 2: District Level 1

Section 504 Coordinator
Jennifer Lambdin | jennifer.lambdin@apsva.us | 703-228-2800 X 98051

Step 3: District Level 2

Section 504 Compliance Coordinator Dr.
Darrell Sampson
Executive Director of Student Services
darrell.sampson@apsva.us
703-228-6061

Parents/guardians have the right to appeal a decision to the Section 504 Compliance Committee at any time, file a complaint with the Office for Civil Rights, or request an impartial due process hearing.

Section 504 Compliance Committee

The Section 504 Compliance Committee is a team that resolves disputes. This is a separate committee from that which addresses special education concerns or disputes. It is a separate committee than that which determines 504 eligibility at the school level. Parents/guardians are not required to take advantage of this resource prior to contacting the Office for Civil Rights or filing for an impartial due process hearing.

The Section 504 Compliance Committee will consist of at least three staff, including the Section 504 Compliance Officer or designee. For eligibility determinations, the committee will include a staff member who is knowledgeable about the student, a person knowledgeable about test data or other evaluation information, and other persons as appropriate to the referral concern.

The parents/guardians have the right to be invited to the Section 504 Compliance Committee meeting (Form 504B, "Other" meeting). Additional persons may attend at the request of the parent/guardian or APS. Both parties bear responsibility to disclose the names and roles of meeting participants prior to the meeting. At this meeting, the Compliance Committee will hear

the concerns of all involved parties and receive any documentation provided by schools or parents/guardians. The committee will make a determination and forward the results to the parents/guardians and the school for implementation within ten business days after the meeting (Form 504J).

Impartial Due Process Hearing

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

Dr. Darrell Sampson
Executive Director of Student Services
Section 504 Compliance Officer
Arlington Public Schools
2110 Washington Blvd., Arlington, VA 22204
703-228-6061
darrell.sampson@apsva.us

The Section 504 Compliance Committee shall not be used to delay or suspend the right of a parent/guardian to request a due process hearing.

Office for Civil Rights

Parents/guardians have the right to file a complaint with the Office for Civil Rights (usually the regional office) which, in addition to technical assistance activities, conducts compliance reviews and complaint investigations. The complaint must generally be filed within 180 days of the alleged discriminatory action. OCR will investigate complaints of discrimination, including allegations of different treatment based on disability, exclusion from school activities, harassment, and denial of a free appropriate public education. In reviewing decisions as to identification, evaluation, and placement, OCR generally takes a procedural approach. If a school division follows the procedures required by OCR's regulations (and as reflected in APS's procedures), OCR will normally not second-guess the division's decisions.

The address is:

Office for Civil Rights, District of Columbia Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202-1475
(202) 453-6020; FAX (202) 453-6021; TDD 877-521-2172
ocr.dc@ed.gov, www.ed.gov/ocr