

Note of Rights 504.600C

For more information regarding Section 504, or if you have questions and need additional assistance please contact the Richmond County School System's Section 504 Coordinator at the following address:

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Coordinator
Richmond County School System
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The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and students with the following rights:

1. You have the right to an appropriate evaluation designed to meet the individual educational needs as accurately as possible of students with disabilities. 34 CFR 104.33.
2. You have the right to free educational services except for those that are imposed on students with disabilities by their parents. Insurers and third parties who provide services not operated by or provided by the School System are not relieved from any otherwise valid obligation to provide payment for services provided to a student with disabilities. 34 CFR 104.33.
3. You have the right to participate in an educational setting (academic and nonacademic) with students without disabilities to the maximum extent appropriate to the child. 34 CFR 104.34.
4. You have the right to facilities, services, and activities that are comparable to those provided for students without disabilities. 34 CFR 104.34.
5. You have the right to an evaluation prior to Section 504 termination of eligibility. 34 CFR 104.35.
6. You have the right to refuse consent to the School System's request to evaluate your child 34 CFR 104.35.7. You have the right to ensure that evaluation procedures, which may include testing conform to the requirements 34 CFR 104.35.

7. You have the right to ensure that the Child System will consider information about the student from a variety of sources as appropriate, which may include parent and teacher report, tests, grades, teacher recommendations and observations, physical conditions, social or cultural background and previous behavior, medical records, and parental recommendations. 34 CFR 300.435.

8. You have the right to ensure that decisions regarding eligibility and placement are made by a group of persons, including persons knowledgeable about you child, the meaning of the evaluation data and the placement options. 34 CFR 300.435.

9. If your child is eligible under Section 504 your child has the right to participate in decisions, including prior to any subsequent significant change in placement. 34 CFR 300.435.

10. You have the right to receive prior to any decisions by the Child System regarding the identification, evaluation, or placement of your child. 34 CFR 300.436.

11. You have the right to examine your child's educational records. 34 CFR 300.436.

12. You have the right to an impartial hearing with respect to the Child System's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 300.436.

13. You have the right to receive a copy of this Notice. 24 0 Td (24 0 Td)Td (Td)Td . (Td)Td . 00

Section 504 Procedural Safeguards

1. Overview Any student, parent or guardian may request an impartial hearing to challenge the school's alleged action or inaction regarding their child's

4 Hearing Procedure:

- a. The Section 504 coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the request for hearing unless agreed to otherwise in less than 10 days is granted by the impartial review official.
- b. Upon a showing of good cause by either party, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
- c. The parent/guardian will have the opportunity to examine the substantive records prior to the hearing.
- d. The parent/guardian will have the opportunity to be represented by legal counsel at his or her own expense to the hearing and participate, as examine witnesses, and present information at the hearing. If the parent/guardian is not represented by legal counsel at the hearing he or she must inform the Section 504 coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
- e. The parent/guardian will have the burden of proving any claims he or she may assert. When warranted by the impartial hearing officer may require either party to defend its position/position regarding the claims. One or more representatives of the School System, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the parent/guardian testimony and answer questions posed by the impartial review official.
- f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue the hearing instructions, which may include requiring the parties to exchange documents and to provide the names of witnesses and a party expects to appear at the hearing.
- g. The impartial review official shall determine the weight to be given any evidence based on its credibility, reliability and probative value, according to applicable legal standards.
- h. The hearing shall be closed to the public.
- i. The issues for the hearing will be limited to those raised in the written request for the hearing.

j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.

k. Testimony shall be recorded by court reporting or dictation at the expense of the Schob System. All documentation related to the hearing shall be retained by the Schob System.

l. Unless otherwise required by law, the impartial review official shall uphold the action of the Schob System unless he or she can prove that a preponderance of the evidence supports his