



Don DeWeese, Ed. S., *Superintendent of Schools*  
Joel McKinney, *Assistant Superintendent*

2400 E. Wabash St. ▪ Frankfort, Indiana 46041 ▪ [www.frankfortschools.org](http://www.frankfortschools.org) ▪ (P) 765.654.5585 ▪ (F) 765.659.6220

**NOTICE OF PARENT/STUDENT RIGHTS IN  
IDENTIFICATION, EVALUATION, AND PLACEMENT  
OF INDIVIDUALS WHO ARE DISABLED  
OR WHO ARE BELIEVED TO BE DISABLED**

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, the following **Notice of Parent/Student Rights in Identification, Evaluation, and Placement** shall be utilized in the Community Schools of Frankfort School Corporation (herein after "District").

The following list of rights is given to insure 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 the Superintendent or the Section 504 Coordinator designee as well as the Building Administrator that oversees the 504 Plan. The parent/guardian also has the right to meet with the Superintendent or designee and/or the local school board, or the Regional Office for Civil Rights to resolve any objections to either the evaluation or educational placement of the student.

**GENERAL POLICY STATEMENT**

No student shall be discriminated against because of age, color, disability, parental status, marital status, race, national origin, religion, gender, or veteran status.

It is the policy of the District to provide a free appropriate public education (herein after "FAPE") to each qualified student within its enrollment, regardless of the nature or severity of the disability. It is the intent of the District and schools to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (i.e. special education).

**PARENT/GUARDIAN RESOURCES**

Organizations and agencies which the parent/guardian may contact to obtain assistance with evaluation and/or placement questions include, but are not limited to, the following:

**Chicago Office**

Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544

Telephone: 312-730-1560  
Fax: 312-730-1576  
TDD: 800-877-8339  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

**Indiana Department of Education**

Office of Special Education  
115 West Washington Street  
South Tower #600  
Indianapolis, IN 46204

Telephone: 317-232-0570  
Fax: 317-232-0589  
Toll-free: 877-851-4106

Sandy Miller *President*    James McQuade *Vice President*    Jeff Tatum *Secretary*    Karen Sutton *Board Member*    Kristen Beardsley *Board Member*    Annie Bacon *Board Member*    Mark Sheets *Board Member*

**Indiana Protection & Advocacy Commission**

4701 North Keystone Avenue, Suite 222  
Indianapolis, IN 46205

Telephone: 317-722-5555

Fax: 317-722-5564

Toll-free: 800-622-4845 (Voice)

Toll-free: 800-838-1131 (TTY)

**IN\*SOURCE**

(Indiana Resource Center for Families  
with Special Needs)

1703 South Ironwood

South Bend, IN 46613-1036

Telephone: 574-234-7101

Fax: 574-234-7279

Toll-free: 800-332-4433

**IMPORTANT TERMS AND DEFINITIONS OF SECTION 504****Individual with a Disability:**

Any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

**Physical or Mental Impairment:**

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems. A mental impairment is any mental or psychological disorder.

**Substantial Limitation:**

A person is substantially limited when s/he is limited as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to that under which the average person in the general population can perform that same major life activity.

**Major Life Activity:**

Major life activities under Section 504 include, but are not limited to, caring for one's self, seeing, breathing, walking, hearing, speaking, learning, reading, concentrating, thinking, communicating, and performing manual tasks.

**RIGHTS, CONSENTS, AND PROCEDURES**

The following is a description of the rights granted 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 disabling condition.
- b) Have the District advise you of your rights and options under federal law.
- c) Receive notice with respect to 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 she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA-PL.108-446), and/or general education intervention/modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.
- g) Have evaluation, education, and placement decisions made based upon a variety of information 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 that would be incurred if the student were placed in a program operated by the district.
- i) Have your child given an equal opportunity to participate in non-academic and extracurricular activities offered by the 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 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 District refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing. This hearing will be according to the Family Educational Rights and Privacy Act (FERPA) and should not be confused with an impartial due process hearing.
- n) Request mediation, an impartial hearing, or review (appeal) related to decisions or actions regarding your child's identification, evaluation, educational program or placement. The cost of mediation and/or the hearing will be borne by the District. You and the student may take part in the hearing and have an attorney represent you at your cost.

### **GRIEVANCE, MEDIATION, IMPARTIAL HEARING AND REVIEW (APPEAL) PROCEDURES**

Section 504 of the Rehabilitation Act of 1973  
29 U.S.C. c706(8), 794: 34 C.F.R. Part 104

Requests for Grievance, Mediation, Impartial Hearing and Review (Appeal) Hearings must be made in writing to the Superintendent or designee.

Any employee, parent/guardian of a student enrolled in the Community Schools of Frankfort or student eighteen years of age or older may file a request for a hearing if he/she believes there has been a violation of Section 504. Any such grievance or request for hearing must be filed in writing within a reasonable period of time after the alleged violation occurred. The grievant must fully state the facts of the alleged violation or related concern and the remedy that is being sought.

The following details the procedure:

- a) If the parent/guardian disagrees with the identification, evaluation, educational placement, or the provisions of a free appropriate public education for his/her child, the parent/guardian may make a written request for a hearing to the Superintendent of Schools or designee, indicating the specific reason(s) for the request. A copy of the request may be filed with the nearest Regional Office for Civil Rights.
- b) The District reserves the right to 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 local District shall notify the parent of the specific reason(s) for the request. The District also reserves the right, as afforded by Federal and State law, to request Due Process proceedings as necessary to provide the provisions of a free appropriate public education.
- c) 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. Upon receipt of the parent's or local District's request for a hearing, the local Superintendent or designee shall designate and appoint the independent hearing officer. The local District shall bear all costs pertaining to the hearing, including transportation, hearing officer's fee, and expense; but shall not be responsible for the fees and expenses incurred by the parent/guardian except for those detailed below. The parent involved in a hearing shall be given the right to have the child who is the subject of the hearing present, and/or open the hearing to the public, and be represented by legal counsel or other representative.
- d) During the pendency of the hearing, unless the local District and the parent of the child agree otherwise, the child involved in the proceeding shall remain in his/her present educational placement. If there is a dispute regarding this present placement, the hearing officer shall order an interim placement. The present educational placement of the child shall include normal grade advancement if the proceedings extend beyond the end of a school year. If the issue involves an application for initial admission to school, the child, with the consent of the parent, shall be placed in the school until the completion of the proceedings. In the absence of an agreement, the hearing officer shall determine the child's placement during the proceedings.

- e) The child and the parent shall have the right to legal counsel and/or other representation of their own choosing. The local District may inform the parent of any free or low-cost legal services available in the area if the parent requests the information or if the local District initiates a hearing. The decision of the hearing officer shall be based solely upon the evidence presented at hearing. The school shall bear the burden of proof as to appropriateness of any placement, transfer, or the denial of same.
- f) Any participant in the hearing may request a tape recording or other verbatim record of the hearing. The record shall be made available to the parent or the parent's representative at local District's expense.
- g) At a reasonable time prior to the hearing, during school hours, the parent or the parent's representative shall be given access to all records of the local District and any of its agents or employees pertaining to the child, including all tests and reports upon which the proposed action may be based. The parent or parent's representative shall have the right to compel the attendance, to confront, or to cross-examine any witness who may have evidence upon which the proposed action may be based.
- h) The parent or the parent's representative and local District shall have the right to present evidence and testimony, including expert medical, psychological, or educational testimony.
- i) Introduction of any evidence at the hearing that has not been disclosed to both parties at least five (5) business days before the hearing is prohibited, subject to the discretion of the hearing officer.
- j) Within fifteen (15) business days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusions of law, and orders, if necessary, which will be binding on all parties. The dated decision shall be sent by certified mail to the parent and the Superintendent of Schools and shall contain notice of the right to Review (Appeal) the decision. The decision shall be implemented no later than twenty (10) business days following the date of the decision, unless a review is sought by either party.
- k) Should the parent/guardian be represented by legal counsel and ultimately prevail on the issues at the hearing, the parent/guardian may be entitled to payment of all or part of the attorney fees and the cost incurred by the parent/guardian.
- l) Requesting a Review (Appeal) of the hearing should the grievant not prevail:
  - i) A petition to Review (Appeal) the decision of a hearing officer may be made by any party to the hearing. The request must be in writing, filed with the local Superintendent and the opposing party, be specific as to the objections, and be filed within ten (10) business days of the date the hearing officer's decision is received. The District is responsible for hiring an Independent Review (Appeals) Officer to conduct an impartial review of the record as a whole and may, at its election, conduct its review with or without oral arguments. Such a review shall be conducted within twenty (20) business days of the receipt of the Petition for Review, unless either party requests an extension of time.
  - ii) The Review (Appeals) Officer shall insure a transcription is prepared of its review and made available to the grievant and local Superintendent by certified mail on or before the twentieth (20<sup>th</sup>) business day.
  - iii) Any party disagreeing with the decision of the Review (Appeals) Officer may appeal to the Regional Office for Civil Rights.