

**Nondiscrimination Policy Statement**

Approved: December 13, 1994

It is the policy of the Community Schools of Frankfort not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability in its educational programs or employment policies as required by the Indiana Civil Rights Act (I.C. 22-9-1), I.C. 20-8.1-2, Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX (1972 Education Amendments), Section 504 of the Rehabilitation Act of 1973.

Inquiries regarding compliance with Title IX, Section 504 or the Americans with Disabilities Act should be directed to Dr. Kevin M. Caress, the superintendent of the Community Schools of Frankfort, 50 S. Maish Road, Frankfort, IN 46041 or to the Office for Civil Rights, U.S. Department of Education, Washington, D.C.

**Notice Of Parents/Student Rights in Identification, Evaluation, and Placement of Individuals with Disabilities**

Approved: December 13, 1994

Revised: 2006

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, the following Notice of Parents/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Community Schools of Frankfort.

The following list of rights are given to ensure the parent/guardian's awareness of the regulations about the evaluations of and/or special instruction which may be offered to their child. Should the parent/guardian have any questions, the superintendent of schools should be contacted.

1. The Community Schools of Frankfort will provide the parent/guardian with a list of the organizations and agencies which may be contacted to obtain assistance with evaluation and/or placement questions concerning Section 504.
2. 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 the 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 a public education program without discrimination because of child's disability.
  - b. Have the school corporation advise you of your right under federal law.

- c. Receive notice with respect to the 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 corporation 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 the child is found to be eligible under the Individuals with Disabilities Education Act (IDEA), and/or general education intervention/modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.
- g. Have evaluation, educational, and placement decisions made based upon a variety of information and 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 than would be incurred if the student were placed in a program operated by the school.
- i. Have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school corporation.
- 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 school corporation 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 school corporation refuses this request for amendment, it shall so notify you within a reasonable time and advise you of the right to a hearing.

- n. Request an impartial due process hearing and an appeal of any decisions or actions taken by the Community Schools of Frankfort regarding your child's identification, evaluation, educational program, or placement. You and your student may take part in these proceedings and have an attorney represent you. Requests for due process must be made to Dr. Kevin M. Caress, the superintendent of schools. The following details the procedures:
- (1) If the parent/guardian disagrees with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for their child, the parent/guardian may make a written request for a hearing to Dr. Kevin Caress, the superintendent, indicating the specific reason(s) for the request.
  - (2) The school corporation may 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 school corporation shall notify the parent/guardian of the specific reason(s) for the request
  - (3) 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/guardian. Upon receipt of a request for a hearing, the superintendent shall appoint the independent hearing officer. The school corporation shall bear cost pertaining to the transcription, hearing officer fee and expenses, but shall not be responsible for the fees and expenses incurred by the parent/guardian.
  - (4) During the pendency of an administrative or judicial proceeding, unless the school corporation and the parent/guardian of the child agree otherwise, the hearing officer shall order an interim educational placement.
  - (5) The child and the parent/guardian shall have the right to legal counsel and/or other representation of their own choosing.
  - (6) A tape recording or other verbatim record of the hearing shall be made and transcribed and, upon request, shall be made available to the parent/guardian or representative. At a reasonable time prior to the hearing during school hours, the parent/guardian or representative shall be given access to all records of the school corporation, 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/guardian or 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. The parent/guardian or representative and school corporation shall have the right to present evidence and testimony, including Expert medical, psychological, or educational testimony.

Within fifteen (15) days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusion of law, and order, if necessary, which will be binding on all parties. The date decision shall be sent by mail to the parent/guardian and the superintendent of the school corporation, and shall contain notice of the right to appeal the decision. The decision shall be implemented no later than twenty (20) instructional days following the date of the decision, unless review is sought by either party.

- o. Request a review (appeal) of the hearing should you not prevail. The following details the procedure:
  - (1) A petition to review (appeal) the decision of the hearing officer may be made by any party to the hearing. The request must be in writing, filed with the superintendent and the opposing part, be specific as to the objections, and be filed within twenty (20) instructional days of the date the hearing officer's decision is received. The school corporation is responsible for the appointment of an independent appeals officer to conduct an impartial review of the record as a whole and may, at their election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
  - (2) The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
  - (3) Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.

The person in this school corporation who is responsible for assuring that the school corporation is in compliance with Section 504 is the superintendent of schools.

### **Section 504 Compliance Plan**

Approved: December 13, 1994

The Compliance Plan serves students, parents, employees, applicants for employment, and programs within the Community Schools of Frankfort.

1. The Community Schools of Frankfort assures students, parents, applicants for employment, and employees that it will not discriminate against any individual with disabilities.
2. The superintendent of schools is designated as Section 504 compliance coordinator.
3. Parents/guardians are provided procedural safeguards which are included in the "Notice of Parent/Student Rights in Identification, Evaluation, and Placement."

4. An impartial hearing and appeal are provided upon request. Procedures are detailed in the “Notice of Parent/Student Rights in Identification, Evaluation, and Placement.”
5. Notice to students, parents, employees, and the general public of nondiscrimination assurances and parent/student rights and identification, evaluation, and placement will be disseminated annually in the following manner:
  - a. Public service announcement in local newspapers;
  - b. Announcement in local school corporation; and
  - c. Posted notice in each public school building.
6. The Community Schools of Frankfort has established the following grievance procedure to resolve complaints of discrimination on the basis of disability:
  - a. An alleged grievance must be filed in writing, fully setting out the circumstances giving rise to the grievance.
  - b. Such claims must be filed with the above-named Section 504 compliance coordinator.
  - c. A hearing will be conducted according to the procedures outlined in the “Notice of Parent/Student Rights.”
  - d. The coordinator will appoint a hearing officer who will conduct the hearing within a reasonable time after the request is received.
  - e. The hearing officer will give the parent, student, or employee reasonable advance notice of the date, time, and place of the hearing.
  - f. The hearing will be conducted by an individual who does not have a direct interest in the outcome of the hearing and is knowledgeable about Section 504.
  - g. The hearing officer will give the parent, student, or employee a full and fair opportunity to present evidence relevant to the issues raised. The parent, student, or employee may, at their own expense, be assisted or represented by individuals of their own choice, including an attorney.
  - h. The hearing officer will make a decision, in writing, and present it to the school corporation and the grievant within fifteen days after the hearing.
  - i. The decision of the hearing officer will be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.

7. The Community Schools of Frankfort will attempt to identify and locate all Section 405 qualified students within the boundaries of the school corporation.
  
8. The Community Schools of Frankfort will inform all individuals with disabilities and their parent/guardian (if necessary) of the school corporation's responsibilities and procedural safeguards under Section 504, as well as those under the special education rules of the Indiana State Board of Education (Article 7), and the Individuals with Disabilities Education Act (IDEA).

**Legal Reference:**

**Board Approval Date:**

**Board Revision Date:**

**Board Review Date:**