

If you believe the student's rights under Section 504 of the Rehabilitation Act of 1973 or Chapter 61 are being violated, a complaint may be filed with the following agencies:

**Hawaii State Department of Education**  
 Student Support Branch  
 475 22nd Avenue, Bldg. 302  
 Honolulu, Hawaii 96816  
 Phone: (808) 305-9787

**Office for Civil Rights**  
**U.S. Department of Education**  
 915 Second Avenue, Room 3310  
 Seattle, Washington 98174-1099  
 Telephone: (206) 607-1600

### How to Obtain Additional Information on the Nondiscrimination Rights of Students



Contact the following:

- **Your School Principal**
- **Your District Offices:**

Honolulu District  
 Farrington/Kaiser/ Kalani Complexes ..... 735-8355  
 McKinley/Roosevelt/Kaimuki Complexes ..... 735-8355

Central Oahu District  
 Aiea/Moanalua/Radford Complexes ..... 421-4263  
 Leilehua/Mililani/Waiānua Complexes ..... 622-6432

Leeward Oahu District  
 Campbell/Kapolei/Waianae Complexes ..... 675-0335  
 Nanakuli/Pearl City/Waipahu Complexes ..... 675-0384

Windward Oahu District  
 Castle/Kahuku Complexes ..... 233-5718  
 Kailua/Kalaheo Complexes ..... 233-5710

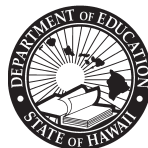
Hawaii District  
 Honokaa/Kohala Complexes ..... 775-8895  
 Kealahou/Konawaena Complexes ..... 323-0015  
 Hilo/Waiākea Complexes ..... 974-4535  
 Kau/Keaau/Pahoa Complexes ..... 982-4252

Maui District  
 Baldwin/King Kekaulike/Maui High Complexes ..... 984-8000  
 Hana/Lahaina/Lanai/Molokai Complexes ..... 984-8000

Kauai District  
 Kapaa/Kauai/Waimea Complexes ..... 274-3504

- **The Department's Section 504 Coordinator:**

**Office of Curriculum, Instruction and Student Support**  
**Student Support Branch**  
 475 22nd Ave., Bldg. 302  
 Honolulu, Hawaii 96816  
 Phone: (808) 305-9787



# Rights of Parents and Students Under Section 504, Subpart D and Hawaii Law and Regulations



Office of Curriculum, Instruction and Student Support  
 Student Support Services Branch  
 Department of Education • State of Hawaii  
 RS 14-1409 (Rev. of RS 13-1018) • April 2014

# Rights of Parents and Students in Identification, Evaluation and Educational Placement of Students with Disabilities and the Provision of Free Appropriate Public Education to the Students



(Section 504/Subpart D of the Rehabilitation Act of 1973 and Hawaii Law and Regulations)

This brochure describes the rights granted by Federal and State laws to students with disabilities and their parents or guardians. The intent of the law is to provide an equal educational opportunity to all students with disabilities.

## Parent and Student Rights Granted by Federal and State Laws:

1. Have the student take part in, and receive benefits from public education programs without discrimination because of the student's disability.
2. Be advised by the school of parent's rights under Federal and State laws.
3. Receive a prior written notice with respect to any action regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
4. Provide consent before the school conducts an initial evaluation which includes the administration of tests or other assessments or before the initial provision of special education or related services to the student.
5. Have the student receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school make accommodations to allow the student an equal opportunity to participate in school and school-related activities.
6. Have the opportunity, during evaluation and reevaluation, to participate in the review of existing information on the student and the determination of eligibility as a student with a disability, participate in developing, reviewing, and revising the student's educational plan and participate in placement decisions.
7. Have the interpretation of evaluation information and educational placement decisions made based upon a variety of information sources. This information must be recent enough to give an understanding of the current educational needs of the student and be carefully considered and documented.
8. Have the student be educated in facilities and receive services comparable to those provided to students without disabilities.

9. Have the student be given an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
10. Examine all relevant records relating to decisions regarding the student's identification, evaluation, or educational placement.
11. Have a surrogate parent appointed by the Department whenever the student is a ward of the state or when the Department cannot identify a parent or cannot find the student's parent and deems that the student requires a surrogate parent. A surrogate parent represents the student in all matters relating to the identification, evaluation and educational placement of the student and the provision of a free appropriate public education to the student.
12. Receive notification, not later than the date on which the decision to take that action is made, of the school's intent to suspend or otherwise remove the student from the current placement for disciplinary reasons for more than ten consecutive or cumulative school days in a given school year.
13. Be a member of the team that conducts a review of the relationship between the student's disability and the behavior subject to a disciplinary action involving a change in placement for more than ten consecutive or cumulative school days in a given year. The team must consider all information relevant to the misconduct including evaluations, observations, and the student's 504 Plan and placement. The student may only be suspended if the behavior was not a manifestation of the student's disability.
14. Have the Department offer mediation to disputes related to matters involving the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. Mediation attempts to resolve disputes whenever a hearing is requested. The mediation process is voluntary and is not to be used to deny or delay the right to a due process hearing.
15. Request an impartial due process hearing related to decisions or actions regarding the student's identification, evaluation, or educational placement or the provision of a free appropriate public education. As a party in the hearing, the parent has the right to be informed by the Department of free or low cost legal and other relevant services, the date by which a decision must be rendered, and the selection process for the impartial hearing officer. In addition, the parent may be accompanied and advised by counsel and have the hearing conducted at a time and place that is reasonably convenient. Hearing requests must be made to the Complex Area Superintendent in the complex area the student attends. A request form is available at the student's school or complex area office.
16. Have the student remain in the current educational placement while awaiting the results of a due process hearing unless the parent and the Department agree otherwise.
17. Appeal the hearing decision to Court within thirty days of receiving the decision.