

# Notice of Procedural Safeguards to Parents and Guardians Section 504 of the Rehabilitation Act of 1973 • Americans with Disabilities Act of 1990

Current Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

1. The School District of Palm Beach County (District) vigilantly affords each of the procedural rights and safeguards under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990, Title II (ADA), which are provided to all individuals qualified as disabled under those laws.
2. You have the right to be fully involved in all educational decisions about your child and to be fully informed of each of your rights under the law.
3. These procedural safeguards govern all disputes under Section 504 and the ADA over the identification, evaluation, or educational placement of persons who, because of their disability, need, or are believed to need, special instruction or related services.
4. Additional information on the procedural safeguards and rights provided under Section 504 and the ADA may be found on the District's website at [http://www.palmbeachschools.org/ese/documents/Sec\\_504.pdf](http://www.palmbeachschools.org/ese/documents/Sec_504.pdf).

## Fundamental Rights

5. Have your child take part in, and receive benefits from, public education programs without discrimination based on your child's disability.
6. Receive prior notice with respect to any decision the District makes regarding the identification, evaluation, or educational programming for your child.
7. Have your child receive a free appropriate public education. This means the District must provide your child, at no cost to you: "regular or special education and related aids and services that: (i) are designed to meet individual educational needs of [students with disabilities] as adequately as the needs of [nondisabled] persons are met and (ii) are based upon adherence to [Section 504] procedures." 34 C.F.R. § 104.33(b)(1).
8. Have your child receive educational services in facilities which are comparable to those provided to nondisabled students. This means the District must place your child in the school and class the child would attend if the child were not disabled. Your child cannot be removed from a regular education class unless the child's needs cannot be met in that environment with the use of supplementary aids and services.
9. Examine your child's educational records in accordance with federal and state law And School Board Policy.
10. Have evaluation and educational programming decisions made, based on a variety of information sources and by persons who know the child and who are knowledgeable about the child's evaluation data and placement options.
11. Have your child be given an equal opportunity, without discrimination, to participate in all nonacademic and extracurricular activities offered by the District, for which the child is otherwise qualified.
12. Have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the District) at no greater cost to you than would be incurred if the student were placed in a program operated by the District.

## Mediation

13. You have the right to request mediation related to decisions or actions regarding your child's identification, evaluation, educational program or placement. In such cases, an impartial mediator will attempt to facilitate a dispute resolution acceptable to all parties. Mediation is completely optional.

## Grievance Process

14. The District has adopted grievance procedures that incorporate impartial due process hearing standards, providing for prompt and equitable resolution of your complaint. 34 C.F.R. § 104.7(b).
15. You have the right to a hearing regarding all decisions or actions regarding your child's identification, evaluation, educational purpose or placement.
16. The District's grievance process includes the right to: prior notice of any legal action; inspect records; an impartial due process hearing (hearing); representation by counsel; a review procedure. 34 C.F.R. § 104.36.
17. In addition, the goal of School Board Policy 5.001, entitled "Protecting Students from Harassment and Discrimination," is to prevent, investigate, and take prompt, equitable, and appropriate action with regard to alleged discrimination and harassment. It provides a multi-step grievance process.

