

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The Act defines a person with a handicap as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working).
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment.

Willmar Public Schools will not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities.

Section 504 Coordinator

The person responsible for assuring that the District and its programs and facilities comply with Section 504 is: Susan Smith

Special Education Coordinator & Due Process Facilitator
611 SW 5th Street
Willmar, MN 56201
320/231-8540

In addition, to the aforementioned, any Child Study Coordinator or Program Supervisor is responsible for assistance and support in compliance activities.

Formal Compliance with Section 504

The Willmar Public Schools is commitment to nondiscrimination on the basis of a handicap. Specific actions for implementation shall include:

1. Public notice of District's commitment and the 1973 Rehabilitation Act
2. Notice of the District commitment and the 1973 Rehabilitation Act in student, parent and personnel handbooks.
3. Provision of parent/student rights under The Act at all decision points or in response to any concern.

Section 504 Grievance Procedures

The grievance procedures for alleging violations under Section 504 are as follows:

Step 1

The grievance must be in writing and must be signed by the person making the complaint. The grievance must be filed with the local 504 Coordinator within five school days. The 504 Coordinator will promptly attempt to resolve the matter among the affected parties. If the 504 Coordinator is unable to resolve the grievance, he/she shall further investigate the matters of grievance and reply in writing to the complainant within ten (10) days from the date of filing the grievance.

Step 2

If the complainant wishes to appeal the decision of the local Section 504 Coordinator, he/she may submit a signed statement of appeal to the building principal or program director within five (5) school days after receipt of the coordinator's response. The building principal or program director shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) school days.

Step 3

If the complaint remains unsatisfied, he/she may appeal through a signed written statement to the Superintendent of Schools, within five (5) school days of his/her receipt of the response in Step 2. In an attempt to resolve the grievance, the Superintendent of Schools shall meet with the concerned parties and their representatives within forty (40) school days of the receipt of such an appeal. A copy of the Superintendent's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting.

Step 4

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office of Civil Rights:

Office of Civil Rights, Region V
U.S. Department of Education
401 South State Street
Room 700Cm 054010
Chicago, IL 60605-1202

Phone: (312) 886-3456
FTS: 89-886-3456
TDD: (312) 353-3541

Education Services

Students with handicapping conditions consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated and provided with appropriate instruction and related services. People with handicaps or who are thought to have handicaps in accordance with Section 504, their parents or their guardians shall have the right to:

1. Have the student take part in, and receive benefits from public education programs without discrimination because of his/her handicapping conditions;
2. Have the School District notify each person of their rights under federal law;
3. Receive notice with respect to identification, evaluation or placement of the student;
4. Have the student educated in facilities and receive services comparable to those provided non-handicapped students;
5. Have the student be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
6. Have placement decisions made based upon a variety of information sources, and by a group of persons including persons knowledgeable about the student, the evaluation data and placement options;
7. Have the student receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the School District make reasonable accommodations to allow the student an equal opportunity to participate in school and school-related activities.

8. Have the student receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA, Public Law 101-476);
9. Have transportation provided to and from an alternative placement setting at no greater cost than would be incurred if the student were placed in a program operated by the district;
10. Examine all relevant records relating to decisions regarding the student's identification, evaluation, education program and placement;
11. Obtain copies of education records at a reasonable cost unless the fee would effectively deny access to the records;
12. Receive a response from the School District to reasonable requests for explanations and interpretations of the student's records;
13. Request amendment of the student's education records if there is a reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. If the School District refuses this request for amendment, it shall provide notification within a reasonable time and provide procedural rights relating to the resolution of the issue.
14. Request conciliation, mediation or an impartial due process hearing related to decisions or actions regarding the student's identification, evaluation, education program or placement. Parents, guardians and the student may take part in the hearing and be represented by an attorney, at their own expense. Requests for due process hearings must be made in writing to the Superintendent. *(See Section 504 Hearings below)*
15. Seek review of the results of the hearing. *(See Review of Section 504 Hearings below)*
16. File a grievance under Section 504. *(See Section 504 Grievance Procedures above)*

Section 504 Hearings

A student, parent or guardian, or the School District may request an impartial hearing with regard to actions involving the identification, evaluation, or placement of a student pursuant to Section 504. The procedures for such a hearing are as follows:

1. Request for a Section 504 hearing must be made to the Superintendent.
2. In each case for which a hearing has been requested, the Superintendent (611 SW 5th Street, Willmar, MN 56201, 320-231-8510) shall appoint an impartial individual to serve as the Hearing Officer.
3. The Hearing Officer shall determine the procedures for the hearing and set timelines for the same.
4. The parties have the right to representation, at their own expense, throughout the hearing process.
5. The Hearing Officer shall issue a written decision and submit the same to both parties.

Procedure for Review of Section 504 Hearings

Either party to a Section 504 hearing may seek review of the Hearing Officer's decision. The procedure for such review is as follows:

1. Notice of appeal must be made within thirty (30) days following receipt of the Hearing Officer's decision.
2. Notice must be given in writing to the other party. In the case of the School District, the written notice shall be directed to the Superintendent of Schools.

3. The School Board shall, upon recommendation of the Superintendent, appoint an impartial individual or individuals to serve as the Review Officer or Review Panel.
4. The Review Officer/Review Panel shall determine the procedure for review and set timelines for the same.
5. The parties have the right to representation, at their own expense, throughout the review process.
6. The Review Officer/Review Panel shall issue a written decision and submit the same to both parties.