

# POWAY UNIFIED SCHOOL DISTRICT

## Parent/Guardian Rights and Appeal Procedures for Section 504 of the Rehabilitation Act of 1973

### PROHIBITION OF DISCRIMINATION

- Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability.

### FREE APPROPRIATE EDUCATION

- Under Section 504, students who have a mental or physical impairment that substantially limits a major life activity may be eligible to receive supports and/or services designed to meet their needs as adequately as the needs of non-disabled students are met.
- Qualified disabled students have the right to a free, appropriate public education. This includes the right to be educated with non-disabled peers within the general school setting to the maximum extent appropriate.
- You have the right to have the school district make reasonable accommodations when eligible to allow your student an equal opportunity to participate in school and school-related activities.
- You have the right to receive a full, clear and understandable explanation of all procedural safeguards and rights of appeal in a language that you understand.
- All students will be given an equal opportunity to participate in nonacademic and extra-curricular activities offered by the District.

### RECORDS

- The confidentiality of your student's records shall be maintained.

- You may examine relevant records concerning your student.
- Copies of records may be requested. The District may charge a reasonable fee for copying them unless you cannot afford such fees.
- Parents/guardians may challenge the contents of student records.

### RIGHTS RELATED TO EVALUATION

- You may initiate a referral, requesting that school staff determine whether your student is eligible for Section 504 supports or services.
- An evaluation will be conducted if the District suspects that your student has an impairment that substantially limits a major life activity.
- You will be given notice of meetings to discuss the evaluation of your student.
- Any private, independent educational assessment you may have will be considered by the District's Section 504 committee.

### RIGHTS RELATED TO SECTION 504 ACCOMMODATION PLAN

- You have the right to be notified prior to, participate in, have a representative at, and present information at Section 504 meeting(s).
- Evaluation, educational, and placement decisions will be based upon a variety of information and by individuals who know the student and understand available support and service options.
- When appropriate, your student may participate in the meeting(s).

- If necessary, you may request that meetings be conducted with an interpreter.
- Section 504 eligibility and services will be determined within a reasonable time frame and be reflected on a Section 504 Eligibility and Accommodation Plan.
- Your student's Section 504 Accommodation Plan will be reviewed at least annually.
- A copy of the Section 504 Accommodation Plan shall be provided in your primary language at your request.

### PROCEDURES FOR RESOLVING DIFFERENCES

- It is hoped that differences can be resolved informally with the District.
- After receiving the Section 504 screening and evaluation information or after an educational placement has been suggested or made for a student identified as having disabilities under Section 504, you may initiate the following procedures if a disagreement arises:
  - \* Submit in writing your disagreement and request that the site 504 coordinator and the school committee review the evaluation or plan in an attempt to resolve the disagreement. This review shall be conducted within 10 school days of receiving the request. The parent/guardian shall be invited to and should attend the meeting at which the review is conducted. The site 504 coordinator shall provide a written decision to the parties involved within 10 school days.

**Poway  
Unified School District**  
15250 Avenue of Science  
San Diego, CA 92128-3406



**Section 504  
of the  
Rehabilitation Act of  
1973**

**Rights and  
Complaint Procedures**

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*"We Believe All Students Can Learn"*

*For more information, please call:*

**District Section 504 Coordinator  
(858) 521-2840**

James Dayhoff  
Director  
Student Attendance and Discipline

2020-2021

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- Within 20 school days of receiving the due-process hearing request, the District's Coordinator of Section 504 shall select an impartial hearing officer. This 20-day period may be extended with good cause or by mutual agreement of the parties.
- Within 20 school days of the selection of the hearing officer, the Section 504 due-process hearing shall be conducted and a written decision mailed to all parties. This 20-school-day period may be extended with good cause or by mutual agreement of the parties. The District's Coordinator of Section 504 shall represent the District at this hearing.
- Any party to the hearing has the right to be accompanied and advised by counsel and by individuals with special knowledge or training related to the issues of Section 504-eligible students.
- The use of the impartial hearing/appeal procedures does not preclude the right of a parent/guardian to file a formal complaint directly with the Office for Civil Rights (OCR), U. S. Department of Education, Old Federal Building, 509 United Nations Plaza, San Francisco, California 94102.
- Any inquiries regarding this procedure relating to Section 504 of the Rehabilitation Act of 1973 or regarding the District's compliance with the provisions of Section 504 should be directed to the District's 504 Coordinator, Jamie Dayhoff.

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\* If a disagreement continues, submit in writing within 20 school days a request to meet with the site principal in an attempt to resolve the disagreement. The site principal shall conduct this meeting within 10 school days of receiving this request. The parent/guardian shall be invited to and should attend this meeting in an attempt to resolve the disagreement. The site principal shall provide a written decision to the parties involved within 10 school days.

\* If a disagreement continues, submit in writing within 20 school days a request to meet with District's 504 Coordinator. This request should outline the nature of your disagreement and include any supporting documentation you believe is relevant. A review shall be conducted within 10 school days of receiving the request. The parent/guardian shall be invited to meet with the District's 504 Coordinator to discuss the elements of the disagreement. The District's 504 Coordinator shall conduct an investigation relying on information and documents provided by the parent/guardian and District staff. The District's 504 Coordinator may elect to render a decision after reviewing the evidence or the Coordinator may elect to conduct an informal hearing bringing the relevant parties together. In either event, a written decision will be provided to all parties within 10 school days of the review or informal hearing.

- If a disagreement continues after the above process, request in writing a Section 504 Due Process Hearing within 35 days of the end of the semester in which the action being questioned occurred. The request shall include:
  1. The specific nature of the decision with which the parent/guardian disagrees.
  2. The specific relief the parent/guardian seeks.
  3. Any other information the parent/guardian believes is pertinent.