**ONEONTA CITY SCHOOL DISTRICT**

**NOTICE OF PARENT/STUDENT RIGHTS**

**IN IDENTIFICATION, EVALUATION AND PLACEMENT**

**OF INDIVIDUALS WHO ARE DISABLED OR**

**WHO ARE BELIEVED TO BE DISABLED**

The following is a description of the rights and options granted by federal law to students with disabilities (handicaps). The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition.
2. Have the school district advise you of your rights and options under federal law.
3. Receive notice with respect to identification, evaluation or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (IDEA-PL.101-476), and/or general education intervention/modifications outside of special education under Section 504 of the Rehabilitations Act of 1973.
7. Have evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data and placement options.
8. 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 district.
9. Have your child given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
10. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, educational program and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. A response from the school district to reasonable requests for explanations and interpretations of your child’s records.
13. 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 district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing. This hearing will be according to the Family Educational Rights and Privacy Act (FERPA) and should not be confused with an impartial due process hearing.
14. Request mediation, an impartial hearing or review (appeal) related to decisions or actions regarding your child’s identification, evaluation, educational program or placement. The costs for mediation and/or the hearing are borne by the local school corporation. You and the student may take part in the hearing and have an attorney represent you
15. Hearing requests must be made to Joseph Yelich Superintendent of Schools, and Timothy A. Gracy, Director of Special Education. The following details the procedure:

a). If the parent/guardian disagrees with the identification, evaluation, educational placement or the provisions of a free appropriate public education for his/her child, the parent/guardian may make a written request for a hearing to the Superintendent of Schools, indicating the specific reason(s) for the request. A copy of the request may be filed with the nearest Regional Office for Civil Rights.

b). The local school district 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 local school district shall notify the parent of the specific reason(s) for the request.

c). Such hearings shall be conducted within twenty (20) instructional days after the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to the parent. Upon receipt of the parent’s or local school district’s request for a hearing, the local Superintendent or designee shall

designate the independent hearing officer. The local school district shall bear all costs pertaining to the hearing, including the transcription, hearing officer’s fee and expenses; but shall not be responsible for the fees and expenses incurred by the parent/guardian except for those detailed below. The parent involved in a hearing shall be given the right to have the child who is the subject of the hearing present, and/or open the hearing to the public, and be represented by legal counsel or other representative.

d). During the pendency of the hearing, unless the local school district and the parent of the child agree otherwise, the child involved in the proceeding shall remain in his/her present educational placement. If there is a dispute regarding this present placement, the hearing officer shall order an interim placement. The present educational placement of the child shall include normal grade advancement if the proceedings extend beyond the end of a school year. If the issue involves an application for initial admission to school, the child, with the consent of the parent, shall be placed in the school until the completion of the proceedings. In the absence of an agreement, the hearing officer shall determine the child’s placement during the proceedings.

e). The child and the parent shall have the right to legal counsel and/or other representation of their own choosing. The local school district may inform the parent of any free or low-cost legal services available in the area if the parent requests the information or if the local school district initiates a hearing. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing. The school shall bear the burden of proof as to the appropriateness of any placement, transfer or the denial of same.

f). 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 or the parent’s representative at local school district’s expense. At a reasonable time prior to the hearing, during school hours, the parent or the parent’s representative shall be given access to all records of the local school district 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 or parent’s 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 or the parent’s representative and local school district shall have the right to present evidence and testimony, including expert medical, psychological or educational testimony. Introduction of any evidence at the hearing that has not been disclosed to both parties at least five (5) days before the hearing is prohibited, subject to the discretion of the hearing officer.

Within fifteen (15) instructional days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact,

conclusions of law, and orders, if necessary, which will be binding on all parties. The dated decision shall be sent by mail to the parent and the Superintendent of the school and shall contain notice of the right to review 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. Should the parent/guardian be represented by legal counsel and ultimately prevail on the issues at the hearing, the parent/guardian may be entitled to payment of all or part of the attorney fees and the cost incurred by the parent/guardian.

1. Request a review (appeal) of the hearing should you not prevail. The following details the procedure:

a). A petition to review (appeal) the decision of a hearing officer may be made by any party to the hearing. The request must be in writing, filed with the local Superintendent and the opposing party, 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 hiring an independent Review (Appeals) Officer to conduct an impartial review of the record as a whole and may, at its election, conduct its review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the Petition for Review, unless either party requests an extension of time or the Board on its own motion extends the timelines.

b). The Review (Appeals) Officer shall insure a transcription is prepared of its review and made available upon request of any party.

c). Any party disagreeing with the decision of the Review (Appeals) Officer may appeal to the Regional Office for Civil Rights.

d). A parent represented by legal counsel during the proceedings of a due process hearing, review (appeal), or civil action may be entitled to reimbursement for legal fees if the parent ultimately prevails.

17. Ask for payment of reasonable attorney fees if you are successful on your claim.

18. File a local grievance to resolve complaints of discrimination. The procedure is as follows:

a). An alleged grievance under Section 504 must be filed in writing fully setting out the circumstances giving rise to such grievance.

b). Such claims must be made in writing and filed with the following individuals:

Joseph Yelich Superintendent, 31 Center St., Oneonta, NY 13820 and Timothy A. Gracy, Director of Special Education, 31 Center St., Oneonta, NY 13820

c). A hearing will be conducted according to the procedures outlined in the regulations implementing the Family Educational Rights and Privacy Act (FERPA).

d). The Section 504 Coordinator will appoint a hearing officer who will conduct the hearing within a reasonable time after the request was received.

e). The Section 504 Coordinator shall give the parent, student or employee reasonable advance notice of the date, time and place of the hearing.

f). The hearing may be conducted by any individual, including an official of the local school district, who does not have a direct interest in the outcome of the hearing.

g). The local school district shall give the parent, student or employee 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 his or her choice, including an attorney.

h). The local school district shall make its decision in writing within fifteen (15) days after the hearing.

i). The decision must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

The persons in this district who are responsible for assuring that the district complies with Section 504 and the Americans with Disabilities Act (ADA) are Joseph Yelich, Superintendent of Schools and Timothy A. Gracy, Director of Special Education.