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Superintendent Philip Minkkinen

**NOTICE OF PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION, AND PLACEMENT OF INDIVIDUALS WITH
DISABILITIES**

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Lake Superior Independent School District #381.

The following list of rights is given to ensure the parent/guardian's awareness of the regulations about the evaluations of and/or special instruction which may be offered to his/her child. Should the parent/guardian have any questions, contact Superintendent Philip Minkkinen. The parent also has the right to meet with the superintendent or designee and/or the local school board to resolve any objections to either the evaluation or educational placement of the student.

- I. Section 504 is administered by the U.S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)
U.S. Department of Education
500 W. Madison Street Suite 1475
Chicago, Illinois 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

- II. The following is a description of the rights created by federal law to individuals with disabilities. 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:
 - A. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability.

- B. Have the school district advise you of your rights under federal law.
- C. Receive notice with respect to the identification, evaluation, or placement of your child.
- D. 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.
- E. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- F. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), and/or general education intervention/modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.
- G. Have evaluation, educational, and placement decisions made based upon a variety of information and sources, and by persons who know the student, evaluation data, and placement options.
- H. 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 school district.
- I. Have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.
- J. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
- K. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- L. A response from the school district to reasonable requests for explanations and interpretations of your child's records.
- M. 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.

N. Request an impartial hearing, and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The costs for these due process procedures will be borne by the school district. You and your child may take part in these proceedings and have an attorney represent you. Requests for due process must be made to the superintendent or the Section 504 coordinator. The following details the procedures:

1. If the parent/guardian disagrees with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for his/her child, the parent/guardian may make a request for a hearing to the superintendent, indicating the specific reason(s) for the request.
2. The 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 school district shall notify the parent/guardian of the specific reason(s) for the request.
3. Such hearings shall be conducted within twenty (20) instructional days after the request is received, unless the hearing officer grants an extension, and at a time and place reasonably convenient to the parent/guardian. Upon receipt of a request for a hearing, the superintendent shall appoint the independent hearing officer. The school district shall bear all costs pertaining to the hearing, including the transcription, hearing officer 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/guardian involved in a hearing shall be given the right to have the child who is the subject of the hearing present, open the hearing to the public, and be represented by counsel or any other representative.

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

1. A petition to review (appeal) the decision of the hearing officer may be made by any party to the hearing. The request must be filed with the 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 district is responsible for the appointment of an independent appeals officer to conduct an impartial review of the record as a while and may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within

twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

2. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
3. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
4. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is:

Name: _____
Position: _____
Address: _____
Phone Number: _____

This procedure does not deny the right of the grievant to file a formal complaint in Federal court.