

TMSA Section 504 Procedural Safeguards

It is the policy of TMSA not to discriminate on the basis of disability.

The following is a description of student and parent rights under Section 504 of the Rehabilitation Act of 1973. The law requires that you be kept fully informed concerning decisions about your child and that you be informed of your rights if you disagree with any of these decisions.

Parents' Rights

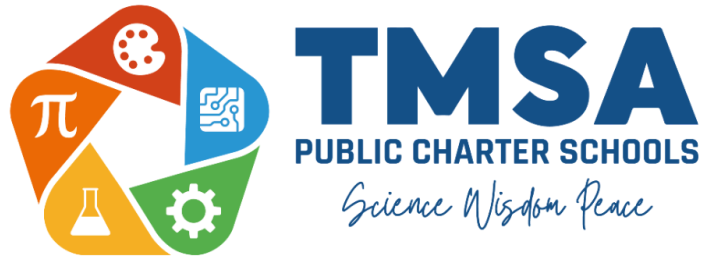
You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability;
2. Have the school advise you as to your rights under federal law;
3. Receive notice with respect to evaluation, identification, or placement of your child;
4. Have your child receive a free appropriate public education, including being educated with other non-disabled students to the maximum extent appropriate and having the school make reasonable accommodations to allow your child an equal opportunity to participate in school;
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities;

6. Have evaluation, identification, and placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options;
7. Examine all relevant records relating to decisions regarding your child's evaluation, identification, educational program, and placement;
8. Obtain copies of educational records at a reasonable cost;
9. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records;
10. Request amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child and receive notification and advice about your right to a hearing if the school refuses this request; and
11. Request an impartial hearing related to decisions regarding your child's evaluation, identification, educational plan, or placement as described below in which you and your child may take part and have an attorney represent you.

Section 504 Due-Process Hearing

TMSA has adopted these procedural safeguards to address disagreements with respect to actions regarding the identification, evaluation, educational services, or educational program of students who, because of disability, require or may require special education and/or services. Parents or guardians who have such disagreements may request an impartial hearing.



- A. The request must be made in writing within ten school days following the event(s) giving rise to the disagreement.
- B. Requests for a hearing shall be submitted to the Section 504 Coordinator.
- C. Upon receipt of the request for a hearing, the Section 504 Coordinator will arrange for an independent hearing officer to hear the case. The hearing officer must be familiar with the requirements of Section 504 and must not be an employee of TMSA or other individual who has a personal or professional conflict of interest.
- D. The student is entitled to be present for the hearing, to have his/her parent/guardian participate in the hearing, and to be represented by counsel if so desired.
- E. The hearing officer will schedule the hearing within thirty school days of the request. The hearing will be conducted in an informal and nonadversarial manner and the hearing officer may consider any relevant evidence that is of a kind commonly relied upon by reasonably prudent persons in the conduct of serious matters. Each party will be allowed up to two hours to present their case.
- F. The hearing will be recorded by TMSA.
- G. The hearing officer will issue a written decision with findings of fact and conclusions of law within thirty days of the hearing.
- H. The parent/guardian may request that the hearing officer determination is reviewed by a second independent hearing officer.