

## Notice of Rights and Procedural Protections



The Leander Independent School District does not discriminate on the basis of race, color, religion, sex, age, national origin, or disability in admission, access, treatment or employment in its programs services and activities. Applicants, students, parents/guardians, employees, referral agencies and all organizations holding agreements with the District are hereby notified of this policy. This notice summarizes the procedural protections and rights of students who may have a disability under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and their parents. Section 504 prohibits discrimination on the basis of disability including requiring that school districts implement procedures and take steps to ensure that a student with a disability under Section 504 receives an equal educational opportunity. Any person with concerns regarding the District's compliance with the regulations implementing Section 504 with respect to students is directed to contact:

Tara Stewart, LISD 504/ADA Coordinator  
P.O. Box 218, Leander, TX 78646  
(512) 570-0311; tara.stewart@leanderisd.org

**INTRODUCTION.** Section 504 of the Rehabilitation Act of 1973, along with the Americans with Disabilities Act prohibit the District from discriminating against students with disabilities. Accordingly, the District has adopted policies and procedures to ensure that discrimination does not take place. In the rest of this document, we will refer to these laws as "Section 504."

**IDEA ELIGIBILITY.** Many students who meet the definition of an "individual with a disability" under Section 504 also qualify for services under the Individuals with Disabilities Education Act (IDEA). This document does not address these students or their parents. Such students are served pursuant to the requirements of the IDEA. The rights of parents of these students are spelled out in the Notice of Procedural Safeguards document promulgated by the State. The District complies with Section 504 by complying with the IDEA. The rest of this document addresses only the rights of parents of students who satisfy the definition of an individual with a disability under Section 504, but are not covered under the IDEA.

**AN APPROPRIATE EDUCATION.** If it is determined that your child meets the definition of an individual with a disability under Section 504, then your child will be entitled to a free and appropriate public education. This means that your child's education will be designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. A "free" public education means that no fees will be imposed on you except for the same fees that are imposed on parents of nondisabled students. However, insurance companies and other third parties that are obligated to provide or pay for services to your child are still obligated to do so.

**NOTICE.** You have the right to be notified by the District prior to any action that would identify your child as having a disability, evaluate your child under Section 504, or place your child in a program based on a disability.

**EVALUATION.** Prior to conducting an initial evaluation of your child under Section 504, the District will seek your informed written consent. An initial evaluation will not be conducted unless you give consent. If formal tests are administered, the school will make sure that:

- all testing and other evaluation procedures are validated for the specific purpose for which they are used;
- that they are administered by trained personnel in conformity with the instructions provided by the producer;
- that they include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score; and
- that tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking or manual impairments the student may have (except when the test is designed to measure sensory, speaking or manual skills).

An evaluation will be conducted prior to your child's initial placement, and will be conducted or reviewed prior to any subsequent significant change in placement. If your child is identified as an individual with a disability under Section 504 the District will periodically reevaluate your child as appropriate.

**PLACEMENT.** If your child is identified as an individual with a disability under Section 504, placement decisions about your child will be made by the District's Section 504 Committee, which will include persons knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the Section 504 Committee if your child's Section 504 Plan, including services and/or placement, is to be discussed. The Section 504 Committee will also ensure that your child is placed in the "least restrictive environment."

**LEAST RESTRICTIVE ENVIRONMENT.** If your child is identified as an individual with a disability under Section 504, your child will be placed and served in the "least restrictive environment." This means that your child will be served with nondisabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability, the school will consider the use of supplementary aids and services (i.e., accommodations). Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment even when supplementary aids and services are provided. If it becomes necessary to serve your child in an alternate setting due to disability, the school will take into account the proximity of the alternate setting to your home.

**EXAMINATION OF RECORDS.** You have the right to see and examine any educational records that pertain to your child or are relevant in serving your child. This right is spelled out in detail in School Board Policies FL (LEGAL) and FL (LOCAL).

**HEARINGS.** If you disagree with a decision of the Section 504 Committee regarding the identification, evaluation or educational placement of your child you have the right to an impartial hearing pursuant to Policy FB (LOCAL). You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney. If you wish to request a hearing, you must make a written request for a hearing, unless you are not able to write. If you are not able to write, your request for a hearing may be made in your primary mode of communication. Your request for a hearing must be filed with the District's Superintendent, or designee. Upon receipt of a timely request for a hearing, the District will notify you of the date, time and location of the hearing. If you disagree with the decision of the Hearing Officer, you have the right to a review procedure.

**OTHER COMPLAINTS.** You also have the right to file a complaint with the District's Section 504 Coordinator pertaining to harassment, retaliation or discrimination against your child in ways that do not involve your child's identification, evaluation or educational placement. Any such complaint must be filed in accordance with the Policy FFH (LOCAL).

**OFFICE FOR CIVIL RIGHTS.** You also have the right to file a complaint with the United States Office for Civil Rights. The address of the Regional Office with jurisdiction in Texas is:

U.S. Department of Education  
Office for Civil Rights  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201  
214-661-9600 (telephone)  
800-877-8339 (TDD)  
214-661-9587 (fax)