

## ALBUQUERQUE PUBLIC SCHOOLS SECTION 504 PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec.706(8)) states: “No qualified individual with a disability shall, solely on the basis of his or her disability, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

1. The parent/guardian shall be notified in writing of all district/school decisions concerning the identification, evaluation, or educational placement of his/her child.
2. The parent/guardian shall be notified that he/she may examine relevant records.
3. The parent/guardian shall be notified before any significant change in placement occurs.
4. The parent/guardian may obtain copies of educational records at a reasonable cost unless the fee would effectively deny him/her access to the records.
5. The parent/guardian may request amendment of his/her 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 his/her child. If the school district refuses this request for amendment, it shall notify the parent within a reasonable time, and advise him/her of the right to a hearing.
6. Parents/Guardians, or the student, if 18 or over, who dispute the District’s decision with respect to actions regarding the identification, evaluation, or educational placement of a student or regarding harassment related to disability under Section 504 requirements shall have the following means of dispute resolution, each of which may be used at any time and in any order:
  - A. File a written complaint, which specifies the problem and the resolution requested, with the **District Section 504 Resource Specialist at 505-855-9840**. If the concern is resolved informally, the District 504 Facilitator will document that resolution and provide copies to the school and parent.
  - B. Request an impartial Section 504 Due Process Hearing, with the opportunity for participation by the parent/guardian and legal counsel (if desired). The request shall be in writing to the Section 504 Facilitator, including a description of the specific concern and proposed remedy. The District shall appoint an unbiased, qualified panel of individuals to hear the case. The hearing shall be convened within ten (10) working days after the written complaint is received, unless both parties agree to a postponement. The hearing shall follow this format:
    1. An opening statement by each party;
    2. Testimony and evidence presented by each party with opportunity for cross-examination;
    3. Closing statement by each party.
 Both parties shall be provided a written response within twenty (20) working days of the last day of the hearing.
  - C. File a written complaint with the Office for Civil Rights, Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, Colorado 802043582. D. File a civil suit. The parent/guardian shall be notified of his/her rights of appeal at each step of the process.

**Any questions concerning Section 504 should first be addressed to school level administrators, then, if unresolved, to the District 504 Director.**