

Everett Public Schools Section 504 Process for Evaluation

What is Section 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

The Section 504 process

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

If you disagree with the district's decision

If you disagree with the district's decisions regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due-process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to:

Becky Ballbach
3900 Broadway Ave
Everett, WA 98201
425-385-4063
rballbach@everettsd.org

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099. Phone: 206-607-1600/ TDD: 206-607-1647. Website: www.ed.gov/OCR

Everett Public Schools does not discriminate on the basis of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.



Section 504 of the Rehabilitation Act of 1973

Section 504 District Coordinator

Becky Ballbach, 425-385-4063

ADA District Coordinator

Becky Clifford, 425-385-5250

District Title IX Officer

Mary O'Brien, 425-385-4106

Affirmative Action Officer

Randi Seaberg, 425-385-4104

Everett Public Schools

Community Resource Center

3900 Broadway Ave

Everett, WA 98201

425-385-4000



Your rights under Section 504

Your child's education

Your child has the right to:

- Receive a free and appropriate public education
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/ or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services, without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

Your child's educational records

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

Nondiscrimination

Procedures for Resolving Equal Opportunity Complaints/Grievances

To ensure fairness and consistency, the following review procedure is to be used with regard to issues covered by state and federal equal educational opportunity laws, including Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Civil Rights Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and RCW 28A.640.010 governing sexual equality in public schools. This grievance procedure applies to complaints alleging discrimination or harassment against students based on race, creed, color, national origin, sex, sexual orientation, marital status, previous arrest or incarceration, or disability carried out by employees, other students, or third parties.

Formal Complaints

- A. The Title IX Office or Executive Director of Human Resources or designee shall investigate all written allegation of discrimination.

The Title IX Officer will receive and investigate formal complaints that involve only students. The Executive Director of Human Resources or designee will receive and investigate formal complaints when allegations of discrimination are brought against employees or other adults.

- B. The allegations of discrimination shall:
1. be in writing,
 2. be signed by the complaining party,
 3. set forth specific acts, conditions, or circumstances alleged to be in violation of the District's policies or obligations with regard to discrimination, and
 4. be filed with the Title IX Office or Executive Director of Human Resources as soon as possible, but not later than thirty (30) calendar days following the alleged discrimination.
- C. The District's investigative process will include the opportunity for the complainant to present witnesses and other evidence. Upon completion of the investigation, the Title IX Office or the Executive Director of Human Resources shall provide the Superintendent with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complaining party prior to the submission of a full written report.
- D. The Superintendent shall respond in writing to the complaining party within thirty (30) calendar days

following receipt of the written complaint.

1. The response by the Superintendent shall state either: That the District denies the allegations contained in the complaint received, or
 2. The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstances within the District and to correct its effects on the injured parties.
- F. Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent's mailing of a written response to the complaining party. In addition, the District will take steps to prevent recurrence of any discrimination it determines has occurred.
- G. In the event a complainant remains aggrieved as a result of the action or inaction of the Superintendent, the complainant may appeal to the District's Board of Directors by filing a written notice of appeal with the Secretary of the Board of Directors on or before the tenth (10th) day following:
1. The date upon which the complainant received the Superintendent's response, or
 2. The expiration of the thirty (30) day response period in Section D above, whichever occurs first.
- H. Upon receipt of an appeal, the Board shall schedule a hearing to commence on or before the twentieth (20th) day following the filing of the written notice of appeal:
1. The Parties shall be allowed to present such witnesses and testimony as the Board of Directors deems relevant and material.
 2. The Board of Directors shall render a written decision on or before the tenth (10th) day following the termination of the hearing and shall provide a copy to all parties involved.
- I. In the event a complainant charging sex discrimination in violation of RCW 28A.640 or WAC 3920190-075. A notice of appeal must be received by the Superintendent of Public Instruction on or before the tenth (10th) day following the date upon which the complainant received written notice of the School Board's decision.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the District, shall be retained in the office of the Title IX compliance officer for a period of 5 years.