

WALLINGFORD SWARTHMORE

SCHOOL DISTRICT

200 SOUTH PROVIDENCE ROAD, WALLINGFORD, PA 19086-6334

Office of Student Services

(610) 892-3470 x 1505

FAX (610) 892-3498

PROCEDURAL SAFEGUARDS LETTER (22 Pa. Code Chapter 15)

Date Sent: _____

Student's Name: _____

Address: _____

Dear _____,

You also have the right under the procedural safeguard system to request assistance, hold an informal conference, or file for a formal due process hearing. Information related to these processes can be found in attached document.

The Rehabilitation Act of 1973, commonly referred to as Section 504 (or §504), is a United States statute enacted by Congress which forbids discrimination against individuals with a disability in any program in any program receiving financial assistance. Section 504 of the Act defines a person with a disability as anyone who: (1) Has a mental or physical impairment which substantially limits one or more major life activities (such as self-care, manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); (2) Has a record of such impairment; (3) Is regarded as having such an impairment. Chapter 15 of the Pennsylvania School Code lays out the responsibilities of school districts to comply with the requirements of Section 504. Under both §504 and Section 15, students with disabilities are required to have an equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate commensurate with the student's abilities. Under both §504 and Chapter 15, school districts have the responsibility to identify, evaluate, and if the student is determined to be eligible, to afford access to appropriate educational services.

The enclosed Procedural Safeguards Notice describes the procedural safeguard system that protects your child's rights under §504 and 22 Pa Code Chapter 15. The information contained in this Procedural Safeguards Notice is important for you and your child. Please take the time to review it. If you have questions or need clarification, you can seek assistance from personnel in the agency that provides educational services to your child.

If you have a concern regarding your child's educational program, you may wish to contact your child's teachers, principal, or school administrators. This type of communication is often helpful in resolving concerns.

Parental Request for Assistance from the Pennsylvania Department of Education

Parents may file a written request for assistance with the Department of Education if: (1) the school district is not providing the adaptations, modifications, related aids, services, and accommodations specified in the Student's service agreement and/or (2) the school district has failed to comply with the procedures in Chapter 15 of the Pennsylvania School Code applicable to the identification, evaluation, development and revisions of a service agreement for, or change in the educational placement of a child with or thought to have a disability under §504 or Chapter 15 of the Pennsylvania School Code.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, occur within 60 calendar days of receipt of the request, send to the parents and school district written response to the request.

Written requests should be addressed to:

Pennsylvania Department of Education
Bureau of Special Education
333 Market Street
Harrisburg, PA 17126
(717) 783-6913

Informal Conference

Parents may file a written request with the school district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aid, service, or accommodation. Within ten (10) school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal Due Process Hearing

Parents may file a written request with the school district for an impartial due process hearing if the matters raised by the Parents or school district are not resolved at the informal conference, or if the Parents or person in parental relationship disagrees with the determination made by the professional staff of the district. Hearing request forms are available from the Office for Dispute Resolution at <http://odr.pattan.net/dueprocess/RequestForms.aspx> or at (800) 879-2301. The hearing shall be held before an impartial hearing officer.

The following are some details about the due process hearing:

- The hearing shall be held in the local school district at a place reasonably convenient to the Parents and child involved. At the request of the Parents, the hearing may be held in the evening.
- The hearing shall be an oral, personal hearing, and shall be open to the public unless the parents request a closed hearing.

- If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.
- If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.
- The decision of the hearing officer shall include findings of fact, a discussion and conclusions of law. The decision shall be based solely upon the substantial evidence presented at the hearing. The hearing officer shall have the authority to order that additional evidence be presented.
- A written transcript, or at the request of the Parents, an electronic record of the hearing, shall upon request, be made and provided to parents at no cost.
- Parents may be represented by any person, including legal counsel, and may be accompanied and advised by individuals with special knowledge or training relating to the problems of children with disabilities.
- A parent or a parent's representative shall be given reasonable access to all educational records, including any tests or reports upon which the proposed action is based.
- Any party may prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing.
- A parent or a parent's representative has the right to compel the attendance of and question witnesses of the school entity or agency who may have evidence upon which the proposed action might be based.
- Any party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.
- Any party involved in a hearing has the right to obtain written, or at the request of the Parents, electronic findings of fact and decisions.
- The following timeline applies to due process hearings:
 - A hearing shall be held within 30 calendar days after a parent's initial request for a hearing.
 - The hearing officer's decision shall be issued within 45 calendar days after the parent's request for a hearing.

Judicial Appeals

If the hearing pertains to Chapter 14 and 15 rights, the decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. **Maintenance of Service Agreement**

The district will not modify or terminate your child's service agreement, if one exists, without the written consent of the Parents, pending completion of any of the procedures outlined above.

Additional Rights and Protections

Parents have the right to review and inspect all relevant school records and to meet with appropriate school staff to discuss the issues associated with evaluating or accommodating their child.

Parents must agree to the identification of their child as a child with a disability, and, if adaptations, modifications, aids, or related services or required for a child during school hours or at school-related activities or events, must execute a service agreement before the school district can provide such supports.

Non-Discrimination Statement

The Wallingford-Swarthmore School District acknowledges its responsibility under Section 504 and Chapter 15 of the Pennsylvania School Code to avoid discrimination in both policies and practices regarding its personnel and students. Discrimination against any person with a disability shall not be permitted in any programs or practices of the District.

The District's Coordinator for Section 504 is:



Gina M. Ross
Director of Student Services -
Individualized Learning & Related
Services



Megan McCullough
Director of Student Services -
Behavioral Health

Should you have any questions or concerns regarding the foregoing procedural rights, please contact the Office of Student Services at (610) 892-3470.