



RED CLAY CONSOLIDATED SCHOOL DISTRICT

Sarah Celestin, Ed.D
Director, Office of
Special Services

Section 504 Parent/Student Rights in Identification, Evaluation and Placement

Office of Special Services
1502 Spruce Ave.
Wilmington, DE 19805
Phone (302) 552 - 3773
Fax (302) 992 - 7827

The following is a description of the rights granted by federal law to students with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her handicapping conditions;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation or placement of your child;
4. Have your child receive a free, appropriate public education. This included the right to be educated with non-handicapped students to the maximum extend appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child education in facilities and receive services comparable to those provided non-handicapped students;
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or Section 504 of the Rehabilitation Act.
7. Have evaluation, educational and placement decisions made based upon a variety of information sources and by person who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
9. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.



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10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records.
13. Request amendment of your 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 your child. If the school district refuses this request for amendment, the district shall notify you within a reasonable time and advise you of the right to a hearing.
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to:

Dr. Sarah Celestin, Director of Special Education Compliance
Deborah Shepherd, Section 504 Coordinator
Red Clay Consolidated School District
1502 Spruce Avenue
Wilmington, DE 19805

Your letter should contain:

- The child's name and address and the school he/she attends;
- Your name, address and phone number;
- Your relationship to the child (parent, guardian, surrogate, etc.)
- Name, address and phone number of the person representing you (if you have representation);
- Decision of the school with which you disagree;
- Date you received this decision;
- Your signature



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A review of decision will be made by an impartial hearing officer.

15. Ask for payment of reasonable attorney fees if you are successful on your claim.
16. File a local grievance.
17. The person(s) in the district who is responsible for assuring that the district complies with Section 504 is:

Dr. Sarah Celestin, Director of Special Education Compliance
Deborah Shepherd, Section 504 Coordinator
Red Clay Consolidated School District
1502 Spruce Avenue
Wilmington, DE 19805



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Section 504 Grievance Procedures

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When educators and parents disagree about a child's education, they should make every effort to settle their difference informally. If an agreement cannot be reached, either party may seek to file a grievance.

Step 1 The individual who believes s/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the Building 504 Compliance Officer. The officer shall in turn investigate the complaint, seek input from the District 504 Coordinator, and reply with an answer to the complaint.

Step 2 If the complainant disagrees with the response, s/he may appeal by filing a written grievance for a review of the case within ten business days of receipt of the answers to the informal complaint. Review request should be addressed to:

Dr. Sarah Celestin, Director of Special Services
Deborah Shepherd, Section 504 Coordinator
Red Clay Consolidated School District
1502 Spruce Avenue
Wilmington, DE 19805
302-552-3773

Step 3 If the complainant disagrees with the decision of the District 504 Review, s/he may submit a signed statement of appeal to the District Coordinator within ten business days after receipt of the 504 Review's response. The District Coordinator shall meet with all parties involved, formulate a conclusion and respond in writing to the complainant within ten business days.

Step 4 If the complainant remains unsatisfied s/he may appeal through a signed written statement to the Superintendent within ten business days of his/her receipt of the District Coordinator's response in Step 3. In an attempt to



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resolve the grievance, the Superintendent or Designee shall meet with the concerned parties within forty days of the receipt of such an appeal. A copy of the Superintendent's disposition of the appeal shall be sent to each concerned party within ten business days of the meeting.

Step 5 If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office for Civil Rights, Philadelphia Office, U.S. Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323.

Civil actions may be filed at any stage. A request can be initiated for an official due process hearing before an impartial hearing officer as per regulations. Once a final order is received by the School Board Attorney, it will be distributed to the appropriate personnel to insure compliance with the order.