

RIDGWAY AREA SCHOOL DISTRICT

PROCEDURAL SAFEGUARDS

Date: _____

Dear _____:

As part of the protections available to you if we cannot agree as to what related aids, services, or accommodations should or should no longer be provided to your child, one or more options available through the procedural safeguard system may be used to resolve the dispute.

PARENTAL REQUEST FOR ASSISTANCE -

Parents/Guardians may file a written request for assistance with the Department of Education if you believe the school district is not providing the related aids, services, and accommodations specified in the service agreement and/or the school district has failed to comply with Chapter 15 of the State Board of Education Regulations.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within sixty (60) calendar days of receipt of the request, send to the parents/guardian and school district a 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/Guardians 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/Guardian may file a written request with the school district for an impartial due process hearing.

1. The hearing shall be held before an impartial hearing officer.
2. The hearing shall be held in the local school district at a place reasonably convenient to the parents/guardian. At the request of the parents/guardian, the hearing may be held in the evening.
3. The hearing shall be an oral, personal hearing and shall be open to the public unless the parents/guardian request a closed hearing.

4. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.
5. If the hearing is closed, the decision shall be treated as an educational record of the student and may not be available to the public.
6. The decision of the hearing officer shall include findings of fact, 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.
7. A written transcript of the hearing shall, upon request, be made and provided to parents/guardian at no cost.
8. Parents/Guardian may be represented by any person, including legal counsel.
9. A parent/guardian or a parent's/guardian's representative shall be given reasonable access to all educational records, including any tests or reports upon which the proposed action is based.
10. Any party may prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.
11. A parent/guardian or a parent's/guardian'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.
12. Any party has the right to present evidence and testimony including expert medical, psychological or educational testimony.

The following timeline applies to due process hearings:

1. A hearing shall be held within 30 calendar days after a parent's/guardian's initial request for a hearing.
2. The hearing officer's decision shall be issued within forty-five (45) calendar days after the parent's/guardian's request for a hearing.

JUDICIAL APPEALS -

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction under some circumstances; you may raise these claims directly under Section 504 without going through the due process hearing.

If, within sixty (60) calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents/guardians and school district agree otherwise.

Ridgway Area School District

PROCEDURAL SAFEGUARDS

REQUEST FORM -

If you do not agree with the district's proposal of related aids, services, or accommodations should or should no longer be provided to your child and wish to exercise your rights as outlined above, please indicate the type of procedural safeguard you are requesting:

Informal Conference

Formal Due Process Hearing

Please sign and date this form below and return it to your child's Building Principal or to the Assistant Superintendent

Parent(s)/Guardian(s) Signature

Date

FOR OFFICE USE ONLY:

Signature and date request received.

Section 504 Building Administrator or
Section 504 District Coordinator

Date Request Received

Documentation of actions taken:

- If an Informal Conference was requested, record conference date: _____
 - To be held within ten (10) school days from the date the Section 504 Administrator/Coordinator receives this request.
- If an Due Process Hearing has been requested, record the following dates:
 - Date Office of Dispute Resolution Contacted to request a hearing: _____
 - 1.800.222.3353
 - Date of scheduled Due Process Hearing: _____
 - To be held within thirty (30) calendar days after a parent's/guardian/s initial request for a hearing.

