



**EXCELLENCE  
TODAY  
FOR TOMORROW**

**Rose Tree Media School District**  
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Director of Pupil Services  
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Pennsylvania

## **SECTION 504/CHAPTER 15 PROCEDURAL SAFEGUARDS**

Dear Parent:

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a statute enacted by the United States Congress which prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The purpose of the Act is to ensure that students with handicaps have equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. The Act defines, a person with a handicap as anyone who:

- Has a mental or physical impairment which substantially limits one or more major life activities (Major life activities include: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working):
- Has a record of such impairment; or
- Is regarded as having such an impairment.

The school district has specific responsibilities under the Act which include the responsibility to identify, evaluate and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services. If your child is handicapped, as defined by Section 504, and requires reasonable accommodations to ensure his/her full access to all school activities, a multi-disciplinary committee will develop a service agreement.

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, the procedural safeguard system may be used to resolve the dispute. Following are some details of the avenues available for use.

### **Parental Request for Assistance**

Parents may file a written request for assistance with the Department of Education if 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 the regulations in Chapter 15 of the State Board.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, 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  
1-717-783-6913

### **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 10 school days of receipt of the request, the school district will 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 school district or the parent are not resolved at the informal conference. The hearing shall be held before an impartial hearing officer.

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. 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 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.

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 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.

The Secretary of Education will contract with the Right to Education Office for the services of impartial hearing officers, who preside over initial hearings on behalf of local districts on behalf of the Pennsylvania. Department of Education and may compensate hearing officers for their services. The compensation shall not cause hearing officers to become employees of the Department. The hearing officer may not be an employee or agent of a school entity in which the parents or student resides, or of any agency which is responsible for the education or care of the student.

The following timeline applies to due process hearings:

1. A hearing shall be held within 30 calendar days after a parent's initial request for a hearing.
2. 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 panel of 3 appellate hearing officers. The panel's decision may be appealed further to a court of competent jurisdiction. If the hearing pertains to Chapter 15 rights, 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 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-and school district agree otherwise.

**Rose Tree Media School District**  
Pennsylvania

**Section 504/Chapter 15 Policy**  
**Programs for Protected Handicapped Students**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. Section 504 defines a person with a handicap as anyone who:

- Has a mental or physical impairment which substantially limits one or more major life activity (major life activities Include: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
- Has a record of such Impairment; or
- Is regarded as having such an impairment.

Rose Tree Media School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap shall knowingly be permitted in any program or practices in the school district.

Under Section 504, the school district has the responsibility to identify, evaluate, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parents or person in parental relationship disagrees with the determination made the professional staff of the district, he/she has a right to a hearing with an impartial, hearing officer.