



**Notice of Procedural Safeguards to Parents and Guardians**  
**Section 504 of the Rehabilitation Act of 1973**  
**Summary of Your Procedural Rights and Safeguards**

1. Orange County Public Schools affords each of the procedural rights and safeguards under Section 504 of the Rehabilitation Act of 1973 (Section 504), which are provided to all individuals qualified as disabled under those laws.
2. You have the right to be fully involved in all educational decisions about your child and to be fully informed of each of your rights under the law.
3. These procedural safeguards govern all disputes under Section 504 over the identification, evaluation, or educational placement of persons who, because of their disability, need, or are believed to need, special instruction or related services.
4. Additional information on the procedural safeguards and rights provided under Section 504 may be found on the District's website at [www.ocps.net/departments/exceptional-student-education](http://www.ocps.net/departments/exceptional-student-education).

**Fundamental Rights**

5. Have your child take part in, and receive benefits from, public education programs without discrimination based on your child's impairment.
6. Receive prior notice with respect to any decision the District makes regarding the identification, evaluation, or educational programming for your child.
7. Have your child receive a free appropriate public education. This means the District must provide your child, at no cost to you: "regular or special education and related aids and services that: (i) are designed to meet individual educational needs of {students with disabilities} as adequately as the needs of {nondisabled} persons are met and (ii) are based upon adherence to {Section 504} procedures. "34 C.F.R. § 104.33 (b) (1).
8. Have your child receive educational services in facilities which are comparable to those provided to nondisabled students. This means the District must place your child in the school and class the child would attend in the child were not disabled. Your child cannot be removed from a regular education class unless the child's needs cannot be met in that environment with the use of supplementary aids and services.
9. Examine your child's educational records in accordance with federal and state law and School Board Policy.
10. Have your child protected under the discipline procedures of Section 504.
11. Have evaluation and educational programming decisions made, based on a variety of information sources and by persons who know the child and who are knowledgeable about the child's evaluation data and placement options.
12. Have your child be given an equal opportunity, without discrimination, to participate in all nonacademic and extracurricular activities offered by the District, for which the child otherwise qualified.
13. Have transportation provided to and from an alternative placement setting (if setting is a program not operated by the District) at no greater cost to you than would be incurred if the student were placed in a program operated by the District.

**Mediation**

14. You have the right to request mediation related to decisions or actions regarding your child's identification, evaluation, education program or placement. In such cases, an impartial mediator will attempt to facilitate a dispute resolution acceptable to all parties. Mediation is completely optional.

**Grievance Process**

15. The District has adopted grievance procedures that incorporate impartial due process hearing standards, providing for prompt and equitable resolution of your complaint. 34 C.F.R. § 104.7 (b).
16. You have the right to a hearing regarding all decisions or actions regarding your child's identification, evaluation, educational purpose or placement.
17. The District's grievance process includes the right to: prior notice of any legal action; inspect records; an impartial due process hearing; representation by counsel; a review procedure. 34 C.F.R § 104.36

### **Impartial Hearing**

18. You must make your hearing request in writing to the Superintendent of the District, located at the following address:

Dr. Barbara Jenkins, Superintendent  
Orange County Public Schools  
445 West Amelia Street  
Orlando, FL 32801

19. Following receipt of your hearing request, the District will obtain the services of an attorney not associated with OCPS to handle this hearing.
20. The hearing officer will schedule a hearing date and allow you and the District to present evidence. The hearing officer will then issue a written decision. You and your child may take part in the hearing. You have the right to be represented by counsel.
21. Following the hearing officer's decision, you may request a review by the full School Board. The School Board cannot reject or modify the findings of fact made in the hearing officer's decision, unless the School Board determines the hearing officer's findings had no basis in fact, or that the proceedings on which the findings were based did not comply with essential requirements of law. Alternatively, you may request a review of the hearing officer's decision by bringing a civil action in a District Court of the United States or State court of competent jurisdiction.

### **Office for Civil Rights**

22. The Office for Civil Rights (OCR) is an agency of the U.S. Department of Education. OCR enforces Section 504, and other federal civil rights laws, which prohibit discrimination in programs or activities that receive federal financial assistance. Section 504 also prohibits retaliation against persons who engage in activities protect under those laws.
23. You have the right to contact OCR regarding a complaint at any time. The complaint resolution process administered by OCR is voluntary, separate, and distinct from your right to seek a hearing. 34 C.F.R. § 104.7 (b).
24. Contact information for OCR's Atlanta Office, which administers Florida complaints is:  
Office for Civil Rights, Atlanta Office  
U.S. Department of Education  
61 Forsyth St. S.W. Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: (404) 974-9406
25. Following OCR's complaint investigation, the agency will generally issue a Letter of Finding, deciding whether there was a violation. If OCR finds a violation, it will identify the specific violations and specify appropriate corrective actions.
26. If you elect to file an OCR complaint, you must file it no later than 180 days from the date of the alleged discrimination. OCR has limited discretion to waive the 180-day filing requirement.

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The person in Orange County Public Schools responsible for assuring that the district complies with Section 504 is:

504 Coordinator: Tajuana Lee-Wenze

Phone: (407) 317-3279

School 504 Designee: \_\_\_\_\_

Phone: \_\_\_\_\_