



## WEST SHORE SCHOOL DISTRICT

507 Fishing Creek Road ■ P.O. Box 803 ■ New Cumberland, Pennsylvania 17070-0803  
www.wssd.k12.pa.us

### **Procedural Safeguard and Notice • Section 504/ADA**

*In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the West Shore School District provides you, as the parent or guardian, with the following procedural safeguards in relation to your child.*

- You have the right to receive a copy of this notice upon the district's identification, evaluation, refusal to provide an evaluation, educational agreement, denial of educational agreement and any significant change in the agreement for your child.
- You have the right to an evaluation of your child if the district has reason to believe that your child has a mental or physical impairment that substantially limits learning or some other major life activity...
  - a. before the initial agreement
  - b. before any subsequent significant change in agreement
- You have the right to an opportunity to examine all relevant records for your child.

#### **Informal Conference**

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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 shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

#### **Formal Due Process Hearing**

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Parents may file a written request with the school district for an impartial due process hearing. 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 the party at least five 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 Office of Dispute Resolution for the services of impartial hearing officers, who preside over initial hearings. The hearing officer may not be an employee or agent of the 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. A hearing officer's decision shall be issued within 45 calendar days after the parent's request for a hearing.

**Judicial Appeals**

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If the hearing pertains to Chapter 14 and/or 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 the State of Federal Court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents and school district agree otherwise.

**Parental Request for Assistance**

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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 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