


ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

MEMORANDUM

DECEMBER 6, 2007

TO: BURL OLIVER, COMPLIANCE COORDINATOR  
SCHOOL PRINCIPALS  
SECTION 504 COORDINATORS  
SCHOOL COUNSELORS

FROM:  JERRY SJOLANDER, EXECUTIVE DIRECTOR  
SPECIAL EDUCATION

SUBJECT: Notice of Procedural Safeguards in Compliance with Section 504

The intent of this memorandum is to advise school personnel and parents of the procedural safeguards in place to assist 504 teams to make professional, informed decisions such as eligibility, evaluations and those decisions related to the provision of a free appropriate public education for a 504 eligible student.

**Procedural Safeguards or Parent Rights**

ASD is required to utilize procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Information regarding the procedural safeguards is provided by the United States Department of Education, Office for Civil Rights and the 504 regulations.

*A copy of the Notice of Procedural Safeguards should be provided annually to the student's parent or the student who has turned 18 or upon request of the student or parent.*

There are several specific procedural safeguards for 504 teams to understand:

1. Section 504 to require districts to obtain parental permission for initial evaluations. If a district suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the district may use due process hearing procedures to override the parents' denial of consent for an initial evaluation but is not required to do so.
2. Section 504 is silent on the form of parental consent required. OCR has accepted written consent as compliance.

3. Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

4. Section 504 requires districts to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing. The Anchorage School District utilizes a form entitled "Notice of Proposed Action" to document such a notice.

5. A Notice of Proposed Action is a particular form provided by district personnel to parents of a student. The NOPA is utilized to provide written notice to parents of a child with a disability or child with a suspected disability, in a reasonable time (generally 10 school days) regarding the following decisions:

1. When the District proposes to initiate or change the:
  - A. **Identification** – eligibility for services, need for services, change of disability category
  - B. **Evaluation** - initial evaluation and reevaluation
  - C. **Educational placement of the child** – graduation, program completion, a placement that changes the degree of interaction with children without disabilities, placement in an interim alternative educational setting, suspension for more than 10 days, expulsion
  - D. **Provision of FAPE to the child** – IEP changes

Or

2. When the District **refuses** to initiate or change the identification, evaluation, or educational placement of the child or refuses to make any changes requested by the parent in the provision of FAPE to the child.

Additional information regarding procedural safeguards for students eligible for 504 plans is included in the District's procedural guidance on the following topics:

1. Discipline of students who are eligible for 504
2. Grievance Options for Parents Who Seek Review of a 504 Team Decision
3. Due Process Hearing Procedures under 504

Parents or students seeking additional information regarding Section 504 can contact:

1. ASD Compliance Coordinator, 907-742-4293; [oliver\\_burl@asdk12.org](mailto:oliver_burl@asdk12.org)
2. Stone Soup Group, 3350 Commercial Dr. # 100, Anchorage, AK 99501  
**Tel:** (907) 561-3701
3. Disability Law Center, 3330 Arctic Blvd., Suite 1033, Anchorage, AK 99503  
Phone/TTY in Anchorage: (907) 565-1002