

## Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records.

These rights are:

- the right to annual notification of procedural safeguards;
- the right to inspect and review your child's educational records within a reasonable period of time, but not more than 45 days after the District has received your request;
- the right to request that your child's educational records be amended, if you or your child believe that the educational records relating to your child contain any information that is inaccurate, misleading or in violation of your child's right to privacy. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing which includes the:
  - right to request, and have a hearing, and present evidence to challenge the District's decision not to amend your child's educational record;
  - right to receive prior notification of the date, time, and place in advance of the hearing;
  - right to present evidence and be represented by someone of your own choosing, or an attorney, at your own expense; and
  - right to receive a written decision of the issues presented in the hearing within a reasonable period of time following the hearing.
- the right to give informed consent (written permission) before the District can release any personal identifying information about your child to any person not otherwise entitled by law to see such information; and
- the right to file a complaint with the U.S. Department of Education if you believe that the District has in any way violated your child's or your rights to privacy or alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520**

*If you have questions or need further explanation regarding FERPA, contact your Area Superintendent's office and speak with the FERPA representative.*



## Section 504 of the Rehabilitation Act of 1973

### Section 504 Procedural Safeguards

### Family Educational Rights and Privacy Act



**CCSD**  
CLARK COUNTY  
SCHOOL DISTRICT

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## Section 504 of the Rehabilitation Act of 1973 (as amended 2008)

### What is section 504?

Section 504 is the section of the Rehabilitation Act of 1973 which applies to persons with disabilities. It is a civil rights act which protects the civil and constitutional rights of persons with disabilities. Section 504 prohibits organizations which receive federal funds from discriminating against otherwise qualified individuals solely on the basis of a disability. Section 504 is enforced by the U. S. Department of Education, Office of Civil Rights (OCR).

### What is ADA?

The Americans with Disabilities Act (ADA) extends the Section 504 civil rights protections prohibiting discrimination against individuals with disabilities to most of the private sector and to sections of state and local government. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications.

### How does Section 504/ADA define “disabled”?

A person is considered “disabled” if he/she:

- has a physical or mental impairment which substantially limits one or more major life activities;
- has a record of such an impairment; or,
- is regarded as having such an impairment.

### What is a “major life activity”?

Major life activities include such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating and thinking.

### What types of discrimination does Section 504/ADA prohibit?

1. Denial of the opportunity to participate in or benefit from a service which is afforded non-disabled students (denying credit to a student whose absenteeism is related to the disability).
2. Denial of the opportunity to participate in or benefit from services which are equal to that afforded others (refusing equal opportunity to participate in extra-curricular activities).
3. Denial of aids, benefits or services which are as effective as those provided to others. Equally effective means equivalent, not identical, and must afford an equal opportunity, not equal results (refusing preferential seating to an ADHD student).
4. Selecting a site or location which effectively excludes persons with disabilities or subjects them to discrimination (holding a student event at an inaccessible site).

### Does Section 504/ADA require evaluations?

Section 504/ADA does not require that a school district must carry out a full evaluation of a student simply because a parent requests it. However, refusal by the district to do so constitutes an official action with respect to the student’s evaluation and placement and requires notice.

## Notice of Section 504 Procedural Safeguards

The District hereby provides notice of the following procedural safeguards to ensure that parents and guardians are fully informed of their rights concerning decisions involving the identification, evaluation, or educational placement of their student. These procedural safeguards will be provided at the time of referral, at a time when the parent or guardian disagrees with a decision regarding the identification, evaluation, or educational placement of their student, any time that a parent or guardian requests information regarding the rights contained herein, and on an annual basis thereafter. Section 504 safeguards include the following:

- the right to receive written notice of any proposed actions related to identification, evaluation, or educational placement of the student.
- the right to examine all relevant educational records.
- if there is a disagreement with the District’s proposed action or refusal to act under Section 504, the right to file a complaint through District Resolution Procedures:
  - voluntary grievance review at the building level; if unsuccessful, then,
  - review at the Area Superintendent level.
- the right to request an impartial hearing by submitting a written request to the District’s Superintendent.
- the right to representation by counsel in a due process hearing.
- the right to a review of the determination of a due process hearing by the District’s Superintendent.
- the right to file a complaint with the Office of Civil Rights or the Nevada Department of Education if you believe that the District is not complying with federal/state disability law.

OFFICE OF CIVIL RIGHTS	NEVADA DEPARTMENT OF EDUCATION
<b>U.S. Department of Education</b> <b>915 Second Avenue, Room #3310</b> <b>Seattle, Washington 98174-1099</b> <b>(206) 220-7900</b> <b>Email: OCR.Seattle@ed.gov</b>	<b>Educational Equity</b> <b>700 E. Fifth Street</b> <b>Carson City, Nevada 89701-5096</b> <b>(775) 687-9171 (800) 992-0900</b>

## The Office of Compliance and Monitoring:

- functions within the Deputy Superintendent’s Office, Student Support Services Division;
- works collaboratively with the Law Department;
- represents the District in due process hearings, and mediations;
- provides technical assistance to District staff concerning state and federal disability laws; regulations, District policies and procedures governing the administration of special education under the IDEA and Section 504;
- investigates parental complaints that the District is not complying with federal/state disability law;
- provides training to District staff and parents of students with disabilities, on laws, procedures, and issues impacting students with disabilities; and,
- monitors District special education, ELL and Title 1 records to ensure system-wide compliance with state and federal laws. For further information contact:

### Office of Compliance and Monitoring

**5100 W. Sahara Avenue**  
**Las Vegas, Nevada 89146**  
**(702) 799-1020**